Watson's Magazine

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"THE RIGHT OF THE FIRST NIGHT"—Scene in Roman Catholic France, in Middle Ages

Watson's Magazine

THOS. E. WATSON, Editor

Vol. XXV JULY, 1917 No. 3

King Henry VIII., His Wives, and His Children.

Sketches of Contemporaneous Kings, Queens, and Popes.

ELEVEN months before the boy-king had been crowned in England, the founder of modern civilization had passed away in Germany. Luther was only in his sixty-third year, but he was literally worn out. So continuous had been his labors, so severe the prolonged strain upon mind and body, that both the sword and the scabbard showed decay. In physical bulk, the harvest of his toil was prodigious; in moral and mental results, it was beyond human appraisement.

We can measure the library of his literature, but God alone can reckon the dimensions of his influence.

As this year, 1917, is the 400th anniversary of the Reformation; and as the Pope's American subjects are flooding the country with papal lies about Luther and his work, it is altogether appropriate that I—before carrying this history into the reign of Bloody Queen Mary—should give you a further survey of Europe, *during centuries when the Divine Right despotism of Popes and Kings was supreme, and when, therefore, general conditions were the natural fruits of the tree.*

In Dr. Robertson's View of the State of Europe, he introduces 160 closely printed pages of "Proofs and Illustrations," containing of course a citation of original authorities for the statements made in his text. Those 160 pages are perhaps the most valuable portion of his book.

SLAVERY.

During the Feudal Ages, when princes of both State and Church led retainers to battle, and when every landlord's home was a fortress, the common people, tradesmen and tillers of the soil, were at the mercy of mail-clad horsemen of the nobility. The tradesman was pillaged on the highway, and the peasant was a slave in the fields.

For hundreds of years after Europe became Christian, the serfs, encouraged to live in concubinage for the increase of slaves, were not permitted to marry. Church and State treated their cohabitation like that of swine and cattle.

Even when at length a more humane idea gained headway, the serfs could not marry without the consent of the landlord, and the penalty of death was sometimes inflicted upon those who violated this feudal law. The children of slaves, were slaves also: fathers and

mothers, sons and daughters, could be sold at pleasure by the landlord, in family groups, or separately; but in course of time a gentler rule prevailed, and the family was not sold, except as the farm was: in that case, the serfs and the swine, and the herds of sheep, cows, &c., were all sold together.

The pay of the slave was, his victuals and clothes: if the landlord tossed him a coin, now and then, it was a generous gift: and if the serf managed to save these gifts, and to invest them in a pig, or a cow, the pig or cow became the property of the generous landlord.

During his whole life, the slave belonged to his master—who might flog him, torture him, and even kill him. If no free man witnessed the murder, nothing could be done about it, because no slave could testify. But if the crime were confessed, or proved by free men, the landlord paid a small fine.

If the slave died a natural death, leaving property of any sort, it belonged to his master.

Just above these serfs was a class of free men, small owners of land, or renters from the feudal landlords: these free men were bound to give to the lord a certain number of day's labor each year, without pay, and were also subject to serve the lord in war. The condition of these small land-owners and tenants was so uncertain and unhappy, that they often gave themselves and families into slavery, to the bishop or the abbot, in order that they might at least have security of life, while slaving for the Church. Thus the Abbot Alcuin (time of Charlemagne) owned *twenty thousand* white slaves!

Dr. Robertson makes the terrible statement, that the greater part of the inferior class of people in France were reduced to this state, at the beginning of the third race of Christian kings, and that the same was the case in England.

"Feudalism," says Blanqui, "was a concentration of all scourges. The peasant, stripped of the inheritance of his fathers, became the property of ignorant, inflexible, indolent masters: he was obliged to travel fifty leagues with their carts, whenever they required it; he labored for them three days in the week, and surrendered to them half the product of his earnings during the other three; without their consent, he could not change his residence or marry. And why, indeed, should he wish to marry, if he could scarcely save enough to maintain himself? The Abbot Alcuin had twenty thousand slaves, called serfs, who were forever attached to the soil. This is the great cause of the rapid depopulation observed in the Middle Ages, and of the prodigious multitude of monasteries which sprang up on every side. It was doubtless a relief to such miserable men to find in the cloisters a retreat from oppression; but the human race never suffered a more cruel outrage, industry never received a wound better calculated to plunge the world again into the darkness of the rudest antiquity. It suffices to say that the prediction of the approaching end of the world, industriously spread by the rapacious monks at this time, was without terror."—**Resume de l'Histoire due Commerce**, p. 156.

(In my "Story of France," I described, more than 20 years ago, the frightful sufferings of the French peasantry, and their frequent desperate efforts to break the yoke of oppression. The frightful abuses practised by Church and State upon these submerged masses, *who performed all the work and produced all the wealth*, made an impression on my mind that has never been blotted out. These abuses finally provoked the French Revolution, of 1789.)

THE RIGHT OF THE FIRST NIGHT.

In the official publication of the United States Public Printing Office, known as "Senate Document 190, 2nd Session, 56th Congress," the Taft Commission reported to President McKinley the sworn testimony, taken by the Commissioners in the Philippine Islands, establishing the horrible fact the Roman Catholic Church still practised upon the native Filipinos the feudal *jus prima noctis*, or Right of the first night.

There is but one way for me to tell you what this medieval feudal "right" was, and that way is, to call a spade a spade.

The *jus prima noctis* was the feudal "right" of the land-lord to take the newly married groom's place in the

bed of the bride, on the first night following the wedding.

In his New York American, of Sunday, June 10, 1917, Mr. William Randolph Hearst reproduced a picture, made from the famous painting of a great artist, which vividly presents to your eye the scene, when the feudal lord came upon the nuptial party, immediately after the ceremony, to claim his "right."

Pause here, while you turn to our frontispiece, and gaze for a moment upon the picture!

Note the stupified, overwwhelmed, expression of the young bride-groom: note the priest urging him to make no vain effort at resistance: note the plumed lord who has taken the lovely bride by the hand, to lead her away to *his* bed!

Can you easily imagine an abuse more hideous in itself, and so debasing to the common herd of oppressed humanity?

The Roman Catholic church not only sanctioned that "right" for centuries; but, wherever her abbots, bishops, archbishops, and cardinals were at the same time the owners of land, those prelates practised that infernal right. Inasmuch as the prelates were proprietors of one-third of Europe, you can guage the extent of their direct responsibility.

From Europe, the Roman church carried the frightful abuse into the Spanish conquests, and thus it came into the Philippine Islands, where it continued to flourish, until it caused (in part) the Aguinaldo rebellion, which our Government first used and then betrayed.

EDUCATION AND LITERATURE.

In his text—Vol. 1., p. 21 and 22—Dr. Robertson says—"Literature, science, these were words little in use during the ages we are contemplating. . . . "Persons of the highest rank and in the most eminent stations could not read or write. Many of the clergy did not understand the breviary which they were obliged daily to recite; some of them could scarcely read it.

The memory of past transactions was in a great degree lost, or preserved in annals filled with trifling events or legendary tales. Even the codes of laws published by the several nations which established themselves in the different countries of Europe fell into disuse, while in their place customs vague and capricious were substituted. The human mind, neglected, uncultivated, and depressed, continued in the most profound ignorance. Europe, during four centuries, produced few authors who merit to be read, either on account of the elegance of their compositions or the justness and novelty of their sentiments. There are few inventions useful or ornamental to society of which that long period can boast.

Even the Christian religion, though its precepts are delivered, and its institutions are fixed in Scripture, with a precision which should have exempted them from being misinterpreted or corrupted, degenerated, during those ages of darkness, into an illiberal superstition. The barbarous nations, when converted to Christianity, changed the object, not the spirit, of their religious worship. They endeavored to conciliate the favor of the true God by means not unlike to those which they had employed in order to appease their false deities. Instead of aspiring to sanctity and virtue, which alone can render men acceptable to the great Author of order and of excellence, they imagined that they satisfied every obligation of duty by a scrupulous observance of external ceremonies."

Late in the 18th century, La Bruyere wrote, of the peasantry of France:

"One sees certain dark, livid, naked, sunburnt wild animals, male and female, scattered over the country and attached to the soil, which they root and turn over with indomitable perseverance. They have, as it were, an articulate voice; and, when they rise to their feet, they show a human face. They are, in fact, men: they creep at night into dens, where they live on black bread, water, and roots. They spare other men the labor of ploughing, sowing, and harvesting, and, therefore, deserve some small share of the bread they have grown. Yet they were the fortunate peasants,—those who had work and bread,—and they

were then the few"—while two thirds of the arable territory of France were in the hands of the Church.

If diseases, famines, and droughts could be averted by faked miracles, relics, and miraculous robes, why should men waste their time on science? "A cloud of ignorance," says Hallam, "overspread the whole face of the Church, hardly broken by a few glimmering lights who owe almost the whole of their distinction to the surrounding darkness. . . . I cannot conceive of any state of society more adverse to the intellectual improvement of mankind than one which admitted no middle line between dissoluteness and fanatical mortifications. . . . . No original writer of any merit arose; and learning may be said to have languished in a region of twilight for the greater part of a thousand years. . . . In 992, it was asserted that scarcely a single person was to be found, in Rome itself, who knew the first elements of letters. Not one priest of a thousand in Spain, about the age of Charlemagne, could address a common letter of salutation to another." The history of every mediæval philosopher, discoverer, or reformer is the history of a life-long struggle against the tyranny of a light-hating alliance of despots and bigots.

In his Proofs and Illustrations, Dr. Robertson cites the authorities to prove that *kings* could not write their names, but signed their charters by making the sign of the Cross. The supreme judge of the German Empire could not write! The Emperor Charlemagne never learned to write, and the Magna Charta of England shows the cross-marks of the illiterate Catholic barons. The national hero of France, Du Guesclin, could neither write nor read! The bishops and cardinals who held the Councils of the Church, were too illiterate to subscribe their signatures to their all-powerful decrees.

King Alfred the Great complained that the priests of England were unable to comprehend the liturgy, or to translate the easiest piece of Latin.

These were the centuries during which the Catholic priesthood monopolized the once classic Latin of Cæsar and Horace and Cicero, and so utterly debased it, that the Latin of the Middle Ages is almost beyond modern translation. It goes by the contemptuous name of monk-Latin, or dog-Latin.

(The infamous "Saint" Alphonsus Liguori could not write any other sort, even in the 18th century; and the lecherous producer of Rome's obscene "Moral Theology" put his filthy questions for women in such corrupt Latin, that only one Professor of the Latin language could translate the nasty stuff, at my trial in Augusta, Dec. 1916.)

The Popes made war upon profane literature, and the classics of Greece and Rome were either destroyed, or the text was erased, in order that the precious parchment might be used for the writing of a marvellous tale about a mythical saint. In this manner, the world lost, beyond recovery, some of the glories of ancient literature.

Many have been recovered by patient scholars, who were able to rub out the tales of the saints and decipher the original classic texts.

(These manuscripts are known as palimpsests.)

So late as 1822, a lost Latin work was thus discovered in Rome.

To realize how impossible it was for men of ordinary means to own books, we may bear in mind that the Countess of Anjou paid, for one volume of Sermons, by a commonplace bishop, 200 sheep, 5 quarters of wheat, and the same quantity of rye and millet. (Robertson: Vol. I., p. 236.)

The classic literature inherited by Catholic Europe from Pagan Rome and Greece, had *literally* sunk under monkish ghost-stories, spook fables, tales about saints and hobgoblins. In our own day—marvellous to relate, such authors as S. Baring Gould have prostituted their talents to the resurrection of this medieval demonology.

(The Benziger Brothers of New York City publish the elaborate "Lives of the Saints," by S. Baring Gould; and if you are curious to see how the modern Catholic mind can debase itself, at the behest of the Italian church, it will be worth your while to examine this spook-book—which fits the 20th century as comfortably as a night owl does the meridian sun.)

While Catholic Europe was thus being mentally lowered to the level of the savage, the vast empire of Mahomet cultivated the arts and the sciences, commerce and agriculture, founding

noble universities and opening public libraries.

Sismondi says that Haroun-al-Raschid "never built a mosque without attaching to it a school."

"The head of his schools, and the first director of the studies of his empire, was a Nestorian Christian of Damascus, of the name of John Ebn Messua."

The Catholics massacred these Nestorians wherever they could, but the Mohammedans were glad to receive from them "all the rich inheritance of Grecian literature."

(Sismondi "Literature of Europe," Vol. I., p. 51 and 2.)

Under the liberal Caliphs, Bagdad became a second Athens, a seat of schools, learning, and culture.

Scholars of all races and creeds were invited to court and treated with flattering distinction. Manuscripts were collected from the four corners of earth, and copyists set to work to multiply them.

"Hundreds of camels might be seen entering Bagdad, loaded with nothing but manuscripts and papers; and those which were thought to be adapted for the purpose of public instruction, were translated into Arabic, that they might be universally intelligible."

(Sismondi, Vol. I., p. 52.)

When the Mohammedans conquered the Greek emperor, Michael the Stammerer, the tribute exacted was, *a collection of Grecian classics!*

Benjamin Tudela, the Jew, relates in his Itinerary, that he found in Alexandria Egypt, more than twenty schools teaching philosophy, and that Cairo contained a number of colleges.

This was at a time when the Catholic parts of continental Europe did not have one school or college, save for the students of law, and of papal theology.

(Robertson, Vol. I., p. 309.)

"In the towns of Fez and Morocco, likewise, the most magnificent buildings were appropriated to the purposes of instruction, and these establishments were governed by the wisest and most beneficent regulations. The rich libraries of Fez and Larace preserved to Europe a number of precious volumes, which had been lost in other places. But Spain was, more especially, the seat of Arabian learning. It was there that it shone with superior brightness, and made its most rapid progress. Cordova, Grenada, Seville, and all the cities of the Peninsula, rivalled one another in the magnificence of their schools, their colleges, their academies, and their libraries. The academy of Grenada was under the direction of Schamseddin of Murcia, so celebrated amongst the Arabians. Metuahel-al-Allah, who reigned in Grenada in the twelfth century, possessed a magnificent library; and there are still preserved, in the Escurial, a great number of the manuscripts which were translated for his use. Alhaken, founder of the academy of Cordova, presented six hundred volumes to the library of that town.

In various cities of Spain, seventy libraries were opened for the instruction of the public, at the period when all the rest of Eurpoe, without books, without learning, and without cultivation, was plunged in the most disgraceful ignorance."

So precious were the books of these Moors of Spain, that when the King of France, Louis XI. wished, in 1471, to borrow the works of the Arab physician, Rasis, the Paris faculty of medicine required the monarch to deposit his gold plate, and give a secured bond for the return of the books.

(Robertson, Vol. I., p. 237.)

It was in 1389, that Paulus Langius was sent into Italy by the Greek Emperor of Constantinople, to implore the Pope for aid against the advancing hosts of Mahomet; and this learned man re-introduced Greek literature "after an absence of seven hundred years."

(Turner's Modern History England, Vol. 2, p. 3.)

Failing in his mission to the Pope, Paulus Langius settled in Italy and became a classical teacher at Milan, Genoa, and Florence. Other scholars from Constantinople joined him, and other schools were opened; and thus the literature of Greece and Rome, en-

tombed by the Catholic church for seven centuries, came forth from its sepulchre, radiant with new life.

From Italy, it spread into France, Holland, Germany, and England.

(See Turner's Modern England, page 3 and notes.

RELIGIOUS RITES AND IDEALS.

On page 239 of Dr. Robertson's Proofs and Illustrations, we find a description of the celebration of the festival in commemoration of the Virgin Mary's Flight into Egypt. "It was called the Feast of the Ass. A young girl, richly dressed, with a child in her arms, was set upon an ass superbly caparisoned. The ass was led to the altar in solemn procession. High mass was said with great pomp. The ass was taught to kneel at proper places; a hymn no less childish than impious was sung in his praise; and, when the ceremony was ended, the priest, instead of the usual words with which he dismissed the people, brayed three times like an ass, and the people, instead of the usual response, 'We bless the Lord,' brayed three times in the same manner. (Du Cange, voc. *Festum*, vol. iii, p. 424.) This ridiculous ceremony was not, like the festival of fools, and some other pageants of those ages, a mere farcical entertainment exhibited in a church, and mingled, as was then the custom, with an imitation of some religious rites: it was an act of devotion, performed by the ministers of religion and by the authority of the Church. However, as this practice did not prevail universally in the Catholic Church, its absurdity contributed at last to abolish it."

As evidence of the clerical point of view, in the matter of Christian perfection, the summary published by Saint Egidius is quoted by Dr. Robertson, Mosheim, and others, who were impressed with its gross formalism and materialism.

Read the Saint's ideal, and note how his interest centres upon contributions from the laity to the clergy: note also, that a priest of Buddha or of Confucius, or of Mahomet, or of Zoroaster, or of Jupiter, could have described a good devotee of those religions, in practically the same terms:

"He is a good Christian who comes frequently to church; who presents the oblation which is offered to God upon the altar; who doth not taste the fruits of his own industry until he has consecrated a part of them to God; who, when the holy festivals approach, lives chastely even with his own wife during several days, that with a safe conscience he may draw near the altar of God; and who, in the last place, can repeat the Creed and the Lord's Prayer. Redeem then your souls from destruction while you have the means in your power: offer presents and tithes to churchmen; come more frequently to church; humbly implore the patronage of the saints; for, if you observe these things, you may come with security in the day of retribution to the tribunal of the Eternal Judge, and say, 'Give to us, O Lord, for we have given unto thee.'" (Dacherii Spicilegium Vet. Script., vol. ii. p. 94.) The learned and judicious translator of Dr. Mosheim's Ecclesiastical History, to one of whose additional notes I am indebted for my knowledge of this passage, subjoins a very proper reflection: 'We see here a large and ample description of a good Christian, in which there is not the least mention of the love of God, resignation to his will, obedience to his laws, or of justice, benevolence, and charity towards men.' Mosh., Eccles. Hist., vol. i. p. 324.")

THE TRUCE OF GOD.

Never was there known in the Seven Great Monarchies of antiquity such a producer of chaos, as the right of private war. It was unknown to the Grecian republics, and unknown to the Romans. There is no evidence that it prevailed among the barbarians, for their combats were those of tribe against tribe. But in Europe, there grew up a system of private war which filled every nation with unrest, confusion, and never ceasing bloodshed.

Noble defied noble, and settled the difference with the sword. No "gentleman" could embrace any other profession than that of arms; and, being always occupied by thoughts of war, practise in the handling of weapons, and the chivalric jousts of mimic warfare, it naturally came to pass, that "gentlemen" did a deal of earnest fighting.

In J. J. Jusserand's entertaining little volume, "The Romance of a King," we are told that two of the high-spirited chieftains of the Scottish Highlands, met to settle some irritating difference—each accompanied by 1,200 clansmen—and that they argued the dispute with such persistent valor that only nine men were left alive, when the discussion ended.

(See Romance of a King's Life, p. 44. The King was James I., who burnt the Bohemian Hussite missionary, Paul Crawar, because Crawar said he did not believe in purgatory.)

The bloody confusion became so great on the Continent that, in 1032, a bishop of Aquitaine pretended that an angel had appeared to him, and brought him a writing from Heaven, commanding men to cease fighting and keep the peace. The times were full of other calamities, besides private strife, and men were inclined to believe in the apparition. For seven years, a general truce took place.

This disposition toward a more orderly state of society was taken advantage of by those in authority, to forbid any private strife between Thursday evening and Monday morning of each week. In other words, the leaders of Christendom endeavored to rescue three days of the week from sanguinary feuds.

No doubt this Truce of God lessened the evil, but history shows the continuance of private wars, down to the 15th and 16th centuries.

We find Philip the Fair, St. Louis, and even Louis XI. (in 1451) legislating against it, in France; King Edward I., in England; and the Emperor Charles V., of Germany, in 1519. (Robertson, Vol. I., p. 268 *et seq.*)

TRIAL BY COMBAT.

Not only did private wars and sanguinary vendettas outlast the Dark and Middle Ages, but the settlement of individual disputes was made with sword, lance, and battle-axe. Both church and state expressly approved this savagery. Even questions concerning the property of abbeys and cathedrals, were tried by brute force.

This barbaric Trial by Battle became a law, and it was universal in Catholic Europe. The Emperor Charles V. presided at such a trial, in 1522; in France, the last one took place in 1547; and in England, they lasted until late in the 17th century.

(Robertson, Vol. ., p. 287 and 8.)

BENEFIT OF CLERGY.

The Emperor Charlemagne was more to blame than any one monarch, for the monstrosities of the Papacy, its wealth, its territorial possessions, and its victory over secular power. He flung to the Pope the bloody spoil wrung from the Lombards, who were the most civilized, cultured, and progressive people in Italy; he made the payment of tithes obligatory upon the laity; he set the precedent of accepting the imperial crown, as the gift of the Pope; and he put the capstone to the arch, by instructing his judges to settle in private conference, instead of by public trial, any differences arising between the prelates and the State officials.

By the compulsory payment of tithes, he created for the Roman clergy an independent revenue; by his donation of territory, he furnished them a perennial motive for pushing political ambition, and making war for the enlargement of their temporal dominions; by his acceptance of the crown from the Pope, he laid the foundation of their claim to the right to give, and to take away, the sceptres of secular princes; and by his exempting them from the regular jurisdiction of his judges, he took the initial step which led to the formation of a Papal State within each Christian kingdom—a Papal State whose ordained subjects could not be forced to redress any civil

wrong, or to pay the legal penalty for any crime.

Thus Charles the Great, a mighty conqueror, who valiantly struggled to establish orderly government and to found a system of secular education, made the fatal mistakes which soon closed his schools; created administrative chaos, resulting from two conflicting systems of law and authority, operating within the same territory; corrupted the Papacy itself, by furnishing the incentive which impelled the Popes to sink the spiritual mission in their worldly ambition; and prostrated kings at the feet of the Pope, whose favor they humbly sought, whose horse they humbly led, whose slipper they humbly kissed, and whose vassals they humbly swore to become.

Great men, after all, are not always great, all around: Alexander catered to the religious superstitions of his day, and need not have done so, apparently: Cæsar became Pagan Pope, when he despised both the creed and the office: Constantine the Great, by his union of church and state, let a Demon out of the box, without seeming to apprehend any danger for his posterity; and Charlemagne—probably ignorant of what had taken place in the Eastern part of the Empire—repeated the error of Constantine, on a vastly larger scale.

And to make the record of royal delusions the more complete, Napoleon lifted the Papacy out of the mire, infused new life into its moribund carcass, and lived to bitterly repent the consequences of his folly.

(This is fully explained in "The Story of France.")

The historian Fleury says, that the Roman clergy multiplied the pretexts for extending the authority of their ecclesiastical jurisdiction with so much boldness, that it was soon in their power to withdraw almost every person and every cause from the courts of the civil magistrate.

(Robertson, Vol. I., p. 300.)

Thus the royal officers sank into comparative contempt, while the usurping clergy held an insolent ascendancy.

This abuse became so monstrous, that the Pope of Rome exercised a greater actual power in the courts of Christendom than the kings enjoyed; and every nation was scandalized by the proud immunity of priests who had defrauded laymen, priests who had committed murder, and priests who had notoriously lived in adultery, seduced women, and even been guilty of repeated rapes.

This immunity of criminal priests gave rise to the legal phrase, "Benefit of Clergy," which meant, that a person convicted of crime in the royal courts could plead *his ability to write*, and thus escape punishment.

As few except the priests were taught to read and write, this strange exemption went by the name of the clergy, who were its principal beneficiaries.

The long existence of such an abuse—such an encourager and protector of crime—seems to me the most convincing evidence against those who contend, that the Roman church has always promoted education.

Incredible as it may seem, the "benefit of clergy" still persisted, in a much modified and restricted form, when Blackstone published his "Commentaries," after the midddle of the 18th century!

(See Book IV., Blackstone's *Commentaries*.)

PREVALENCE OF PAGANISM, SUPERSTITION, FORGERIES, MIRACLES, VISIONS, RELICS, &C.

Our month of July will always serve to remind the world of the establishment of a new worship at Rome, that of Julius Cæsar and his imperial successors, one of whom, in his dying hours, said with stoical humor, "I feel myself becoming a god."

Julius Cæsar was not only deified after his death, but his name substituted for that of *Quintilis*, the original fifth month, before the old calendar and the old names gave way to those imperishable pagans, Janus, Februus, Mars, Aphrodite, Maia, Juno, Julius and Augustus.

Not a single month of the year, nor a single day of the week bears a

Christian name. Just as our year begins with Janus, a god of war, so our week begins with the day that was sacred to the ancient worshippers of the Sun: and if we join in with the Jews and the Adventists, to take the last day of our present week for rest and holy exercise, our devotions will take place upon the consecrated day of Saturn.

Charlemagne endeavored to rid Christendom of these heathen names, and selected a lot of German substitutes; but the people of Europe absolutely refused to accept these new Teuton nouns, although the week was already embellished with the names of Thor, Woden, and Freia.

("Middle Ages Revisited," Del Mar. Page 33.)

Julius Cæsar, as heretofore stated, made himself Pontifex Maximus, or Pope, of Pagan Rome: on page 31 of "Middle Ages Revisited," we are told that Cæsar adorned his temples with the images of Venus, the Mother of God, from whom he claimed descent; and that on certain occasions, in the exercise of his high pontifical office, "he appeared in all the pomp of the Babylonian costume, in robes of scarlet, with the crozier in his hand, wearing the Mitre and bearing the keys."

(The "keys" were well-known as the emblems of office of certain mythological deities, such as Pluto.)

The nephew and successosr of Julius Cæsar was worshipped "with bill, book, candle, incense, rosary, cross, mitre, &c.," as can be proved to this day by antique coins, contemporaneous authors, and the unimpeachable testimony of marble slabs.

("Middle Ages Revisited." p. 39.)

For defacing an image, or even the coined effigy of Augustus Cæsar, the penalty was death; and to this pagan source may be traced the Roman Catholic law which cost so very many lives, and whose latest known victim was the Chevalier De La Barre, of France, horribly murdered by the priests upon this charge, in 1763.

Paganism had its Sacred College at Rome, and this College chose the Chief Priest, who held office for life, and who could not leave Italy.

The great Hildebrand, Pope Gregory VII., changed the papal machinery so that it conformed, as it still does, to the model established by the Pagans.

The priesthood of Jupiter, Juno, Venus, Mars, &c., were exempt from military service, civic duties, and taxes: their property also was considered sacred, the title being in the gods.

The Christian Popes faithfully trod in the footsteps of the pagan prototypes, and the enormous wealth of the Christian clergy, belonging as they said to God, bore none of the expenses of government.

One of the kings of France wailed—:—"Our treasury is empty, and all our riches are gone to the clergy. None now reign but the bishops!"

The Pagans had adored the images of their numerous gods and goddesses: after the union of the Roman church with the Empire, and the laws forcing the people into the pale of Christ, these images followed their worshippers, took new names, and continued to protect the devotee, the town, and the vocation, consenting to nod, and smile, and sweat, or weep, as occasion required, just as they had done, when they bore their mythological titles.

Instead of an image of Venus, the Mother of God, there was a statue of Mary, the Mother of God; and those who had worshipped the image, found no difficulty in kneeling to the statue.

Those who had devoted flowers, festivals, and ceremonious celebration to the month of Maia, found it easy to transfer the baggage to the month of May—now called, in Romanist circles, the month of Mary.

As Gregorovious says in his monumental work, "Rome in the Middle Ages," the worship of Mary superseded that of Christ, in the 6th century.

The historian offers a peculiar reason for this turning from Jesus to his mother: he says that, in the earlier pictures and statues, Christ was represented as a handsome young Apollo, but that, in the 6th century, he was portrayed as a stern old man!

The Italians were such ardent worshippers of youth and beauty, that Gregorovious believed that the ugly and aged figure which the artists gave to the Savior, was the true cause of the alienation of the popular mind.

The sensuous, pantheistic Italians, always accustomed to the divinely beautiful representations of Bacchus, Adonis, Apollo, Venus, and Juno, were repelled by the forbidding countenance of Jesus, and attracted by the matured, yet blooming comeliness of the "Virgin."

It is a curious theory, at least.

Gregorovious adds—"The sensuous Latin race had at all times been incapable of monotheism: and the Romans had no sooner become Christians than they proceeded to fill their city—since ancient times a Pantheism of the gods—with new saints from every province, and their churches with the bones and relics of saints.

Secular learning, criticism, and judgment had vanished, and given place to mystic enthusiasm and material worship."

In those ages of Faith, the ambitious Pepin, coveting the kingly title in France, pretended to believe that Saint Peter had written him a letter from Heaven, in care of the Pope; and when the Pope delivered this letter, which told Pepin to spoil the Lombards for the benefit of the Church, Pepin obediently went and spoiled the Lombards, giving the towns and provinces thus conquered to the holy Roman bishop.

In those ages of Faith, there came forth a "Donation of Constantine," which bestowed upon the Pope all of Italy, and all of the Western Empire; and, this Deed of Gift was reverentially received, because the few scholars who knew it to be a most impudent forgery, were afraid to speak.

Constantine and his successors had continued to rule Rome, Italy, and the West for centuries after the alleged Donation, and the Bishops of Rome had been subjects of the Empire, like other priests; but the masses of the European Christians did not know anything of history, and the wise men who did, preferred silence to a papal persecution which meant death by torture and fire.

In those ages of Faith, a monk in France forged the documents which go by the name of the Isidorean Decretals. For centuries, the clumsy fraud was not exposed, for the reason that such an exposure meant a horrible death to the author of it. Only in later years, when the minds of men began to stir in their shrouds, were these infamous Decretals shown—*and admitted*—to be forgeries.

In brief, the Decretals furnished the foundations for the preposterous imposture of Universal Papal Supremacy; and while no Catholic now pretends that Isidore was other than a criminal forger, all Catholics acquiesce in the imposture founded upon the forgery!

Filings from the chain which had bound St. Peter at Rome (although Peter never was at Rome) worked stupendous miracles. Shavings from the gridiron on which St. Laurence was roasted (although he was never cooked on it) likewise performed supernatural prodigies.

The robe of St. John the Evangelist was miraculously discovered in a Roman church, where it had been miraculously concealed and preserved: this miraculous garment, when piously shaken with sufficient faith—during periods of drouth—would cause it to rain. If it did not rain, the faith was defective, not the robe.

Thus John's robe took the place of the Pagan rain-stone, which had, for hundreds of years, brought down as much rain in dry times, as John's garment proceeded to do.

In this age of faith, apparitions of the Virgin were not infrequent; St. Peter often came to Rome, visible to the eyes of all who could see him; dead bodies rose into life again, halos lingered lovingly around the heads of marble saints, demons also appeared, to refresh the memory of skeptics, and pious corpses, instead of imitating the

bad smell that Lazarus had produced, gave out a most pleasant odor.

It was in such an age of faith as this, that Pope Gregory invented Purgatory, or at least became sponsor for it. Like the Mass, it survives in full vigor in the 20th century, when men who have conquered the air, harnessed the forces of Nature, and drawn practical wonders from invisible agencies, are still grovelling in the dust of the Dark Ages, in matters of *Faith*. The man who can create an airship and a submarine, is still a child of medievalism, in matters of superstition; and while he *knows* that the marvellous masters of science cannot create something out of nothing, he yet devoutly believes that a stupid priest can do it.

Therefore, the Dark Ages are gone forever, *except where they were darkest*. We have risen above the pitiable slaves of medieval superstition, except where their slavery was the most abject, degrading, and incredible.

We still believe that bread and wine can become God's flesh and blood: we still believe that priests can draw prayer-checks on an invisible bank-account, composed of the *surplus* merits of Christ and the Saints; and that these prayer-checks, paid for in money just as you would purchase exchange on a foreign bank, will release souls from the torments of purgatory, and send them straightway to Heaven.

This dogma arose at a time when St. John's mantle was shaken, to bring rain; when the rags, steeped in the oil of the lamps which burnt before shrines, worked miracles all over Europe; when the bodies of the dead were not always corrupted, but often remained sweet and aromatic; and when the grave-yards in Rome were robbed of hundreds of unknown skeletons, in order that these nasty old bones of ancient Pagans might supply the fanatical demand for "relics" of Saints and Martyrs.

(See Gregorovious, "Rome in Middle Ages." Vol. II., Chap. III.)

The mantle no longer causes it to rain: the rags have ceased to work miracles, but Purgatory and the Mass are here yet, and so are the "relics."

THE POSITION OF WOMAN: MARRIAGE.

Those who have a passion for learning the history of the remote past, are under the necessity of digging into the earth to find the buried records—a fact so curious in itself, and so mysterious, as to challenge attention.

We know—or think we do—how it happens that the archæologist has to dig and delve in the valley of the Euphrates, to unearth the library of Nebuchadnezzar, and the monuments of Assyrian and Babylonian glory: likewise we attribute to the desert winds and sands, the same phenomena in Egypt; but it might puzzle us to clearly explain why the modern streets in London are fourteen feet above those of Roman London; and why, throughout Italy, the antiquary learns the past by spading the present off the underlying tomb, temple, palace, and forum.

Intensely interesting, are the revelations which have thus been made to us moderns, by a buried and forgotten world.

It is a resurrection, which almost crushes one with a sense of the littleness of human achievement, and the transient nature of any human system of things. As these ancient statues, inscribed cylinders, wall paintings, sepulchral ornaments, and triumphal monuments come to light, from deep down beneath the shapeless mounds of dirt, in the East and in the West, in the Old World and in the New, one's feeling is that of profound depression. "All is vanity," saith the preacher.

We feebly repeat what others said, thousands of years ago; and we eagerly strive to do what they strove for, in the remotest antiquity; and the same winds of mortality are waiting to moan over us and our work, and to bury it beneath the unconcerned dust of the ages, for another race of inquisitive archæologists to excavate, a thousand years from now.

One marvellous result of all this digging and delving has been, the demonstration of the status of Woman, in all ages and among all peoples.

There has never yet been unearthed a tomb, a temple, or a palace which did

not disclose the fact, that the love for women then moved men in substantially the same manner as it does among the best types of manhood at the present day. The oldest tombs, in Etruria, in Assyria, in Egypt, in Greece, in Rome, in Mexico, in Northern Europe all bear testimony to the honors paid to wives, daughters, mothers, and lady-loves.

Modern art has been unable to produce ornaments for feminine adornment more elegant than those that went into the grave with dead Etrurian women, hundreds of years before Christ.

(Consult "Old Etruria and Modern Tuscany," Cameron: Methuen & Co., London, 1909.)

The sublimest flights of Grecian art were those which reared, to the ideal woman, those wonderful houses of worship whose perfection of architecture has been the model and the despair of modern imitation.

The glory of the modern gallery of sculpture is an Aphrodite, which took its exquisite shape from the chisel of Phidias, or an Apollo that almost breathed in marble, under the warm touch of Praxitiles.

Never did personified Wisdom wear an expression so lofty, pure, and serene, as that which the pagan artist gave to his Pallas, his Athene, his Minerva; and, while contemplating these representations of antique respect for Woman, we can no longer disbelieve the story of the youth, who fell passionately in love with a marble statue, and died of grief, because no encircling embrace of hers answered his.

(Consult "The Glory that was Greece." Lippincott & Co., 1915. Also. "Myths of Greece and Rome." American Book Company, 1893.)

In the Museum at Carthage (or modern Tunis) the traveller is shown the sarcophagus of a woman which reveals the Carthaginian ideal, of two thousand years ago. A more fascinating dream of feminine majesty and loveliness, would be most difficult to find. Surely it has been seldom matched, outside the Athens of the most classical age. No modern Madonna equals it.

The brow is broad, and the space between the eyes is wide; the mouth is at once sweet and firm; the chin moulded to refined perfection; the neck slightly curved and beautifully full; in one shapely hand, the woman holds a dove, in the other, a little vase; there is a bracelet upon her arm, and pendants in her small ears; over her swelling bosom falls a veil-like, clinging tunic, gathered into a gilded belt below her breasts, leaving soft folds to the right and the left. So full of life, of resplendent youth, does this beautiful woman appear, that she seems about to step forward and utter the words which are struggling to express the yearning, dreaming look in her eyes!

With her close-drawn skirts draping her lower limbs, revealing the exquisitely sculptured feet, which rest on sandals, you instinctively compare this ideal of 2,000 years ago, with the woman of today—the highest type of the 20th century, dressed with the utmost art—and she of ancient Carthage loses nothing by the mental comparison.

(See "Carthage and Tunis," Douglas Sladen. Hutchinson & Co., London, 1906.)

In like manner, it would be easy for you to learn, that in every ancient empire, the position of Woman was at least as good as it has been in the modern state, where, even now, the sour teaching of the Apostle Paul puts the brand of inferiority upon the mothers who bring us into the world.

(I have gone into this with sufficient fullness, in my "Ancient Civilization," where the authorities are cited.)

If you are open to conviction, and wish to know how superbly dignified was the social status of Woman, in the Pagan Empire, immediately preceding the rise to supreme power of the Roman church, consult the recent work of the Italian historian, Gulielmo Ferrero, "The Women of the Cæsars." (It was republished in this country by The Century Co., in 1911, from the London translation, and can be obtained through any book dealer, such

as P. Stammer, 61, 4th Ave., New York City.)

It may astonish the average reader to be told, that so profound a scholar as Sir Henry Maine, in his book on "Ancient Law"—pages 154 and following—describes the later code of equity at Pagan Rome as being founded upon *the equality of the sexes.* Says this great lawyer—"the situation of the Roman female, whether married or unmarried, became one of great *personal and proprietary independence.* . . . But Christianity tended somewhat, *from the very first*, to narrow this remarkable *liberty.*"

Sir Henry Maine makes this extraordinary statement:

"No Christian institution is likely *to restore* to married women the personal liberty conferred upon them by the middle Roman law,"—by which he means the law of Pagan Roman, codified by illustrious Pagan jurisconsults under the Emperors.

Then the learned author of "Ancient Law" refers to the combat which raged between the law of the Roman church and that of the Pagan Emperors, showing that the persistent struggle of the Roman clergy was, *to stigmatize marriage*, and to deprive the wife of her equality and her natural rights. He says, in effect, that every step in the tedious and prolonged march of Woman, toward personal and proprietary independence, has been won in spite of the opposition of the Roman Catholic church.

"From the very first," as Sir Henry Maine asserts, there were teachers among the Christians who imagined that godliness required mortification of the flesh, subjection of natural instincts, and ascetic consecration to devotional practises. These self-denying fanatics soon gave prominence to their hostility to the marital state. In language too obscene and loathsome to quote, they denounced Woman and Marriage—the one as the unclean vessel which had brought sin into the world, and the other as a pollution and degradation.

Father Origen, who castrated himself, argued, with fearsome violence, that conjugal intercourse was inconsistent with the presence of the Holy Spirit. Father Jerome, the author of the Catholic Bible, was even more bitter than Origen. He accused matrimony of effeminating the manly mind, declared that family duty was incompatible with Christian duty, and roundly averred that no man could pray unless he refrained from conjugal enjoyments.

Bishop Siricius—one of the catalogued Popes—called marriage filthy, and described married persons as carnal, incapable of pleasing God.

Pope Innocent took the same line, and denounced the sacrament of marriage as a contamination.

Bellarmine, the illustrious Catholic author, was equally severe upon marriage, and used terms of description equally repulsive.

Lest you suspect me of exaggeration, I will quote a passage from the masterly book of Dr. Samuel Edgar, from whom the foregoing facts have already been taken:

> The abettors of Romanism, in this manner, condemn the conjugal sacrament as an abomination. These theologians, on this topic, entertained the grossest conceptions. Their own filthy ideas rose no higher than the gratification of the mere animal passion, unconnected with refinement or delicacy. Their views, on this subject, were detached from all the comminglings of the understanding and the heart, and from all the endearments of father, mother, and child. Their minds turned only on scenes of gross sensuality, unallied to any moral or sentimental feeling, and insulated from all the reciprocations of friendship or affection. Celibacy and virginity, which were unassociated with these carnal gratifications and which affected a superiority to their allurements, became, with persons of this disposition, the objects of admiration.
>
> Matrimony, however, though it were gross as the conceptions of these authors, is far purer than their language. The sentiments and phraseology of the Roman saints on virginity are, in point of obscenity, beyond all competition. The diction as well as the ideas of Chrysostom, Jerome, Augustine, and Basil, would call the burning blush of shame into the cheek of a Juvenal, a Horace, an Ovid, or a Petronius. Chrysostom, though disgusting, is indeed less filthy than Jerome, Augustine, or Basil. Jerome, bursting with fury against wedlock, follows in the foot-

steps of Chrysostom, and improves, but the wrong way, on the Grecians indecency. Augustine, in pollution, excels both Chrysostom and Jerome. But Basil, in impurity, soars above all rivalry, and, transcending Chrysostom, Jerome, and Augustine, fairly carries off the palm of filthiness. The unalloyed obscenity of Chrysostom, Jerome, and Augustine, rises, in the pages of Basil, to concentrated blackguardism. Du Pin confesses that Basil's treatise on virginity contains 'some passages which may offend nice ears.' Basil's Benedictine editor admits its tendency to sully maiden modesty with images of indecency.

("Variations of Popery," pages 500, 501.)

With the Fathers of the Church enforcing such ideas as these upon the Christian laity, you can readily understand how Woman lost her high estate.

One of the most disgusting chapters ever penned by human hands, is that of "Saint" Augustine, explaining his theory of racial reproduction, *without carnal marriage.*

That abominably foul and foolish theory constitutes a chapter in Augustine's "City of God," and if you care to see it, order the book from those Catholic publishers of New York, The Benziger Brothers, who can, with impunity, mail all sorts of Romanist obscenity, filth, and nastiness.

The splendidly virile races of Northern Europe *married with a hand-clasp*, in the presence of witnesses. The maid and the man took each other by the hand, looked each other in the eye, and took each other for better or for worse.

That was all, and it was enough.

There was no vow of the wife to "honor and obey:" those words were put into the ceremony after the ecclesiastics secured control of marriage.

(See "The Anglo-Saxon Home," by Trupp, page 42 and following.)

In the year 1908, John Grant, of Edinburgh, Scotland, published the third edition of J. F. Nisbet's work on "Marriage and Heredity:" the author strikingly corroborates Sir Henry Maine and Dr. Samuel Edgar.

On page 40, Nesbit says—

"There is no more painful spectacle in history than the attitude maintained by the Church towards marriage, *during the first ten centuries of the Christian era.*"

You hardly need to be reminded, that those were the centuries of absolute Catholic domination.

"It was taught that to have children under any circumstances was a sin, as it only supplied food for death, and that woman was the instrument of Satan."

"Decrees were made forbidding married women to approach the altar or to touch the Eucharist, and it was even declared doubtful whether married persons cohabiting with each other could be saved." (Page 42.)

The consequences of this unnatural doctrine were fearful. European morals sunk to the lowest level. Marriage being hampered, illicit commerce ran rampant. The Popes led in the carnival, and the clergy were not left behind. Bishops dutifully copied the examples of their Papas.

A Spanish abbot distinguished himself (in 1130) by having 70 concubines: and the Bishop of Liege, exciting jealousy because of his 65 illegitimate children, was deposed. (1274) Councils decreed that priests should not be allowed to live with their own mothers and sisters. (Page 45.)

"Nunneries and monasteries were hotbeds of debauchery," as they *always* are! *Ibid.*

To protect the community from the unmarried priest, he was required to keep a "house-keeper"—as he does in our own day—and when he went out at night he was expected to carry a lighted candle—which he may have done, occasionally.

For 1,000 years after Paul founded the Church at Rome, the church had nothing to do with marriage. *Ibid.*

"Down to the 11th century, marriages were made without ecclesiastical interference.

But in the 12th century, Peter Lombard discovered the institution of the Seven Sacraments, the Lord's Supper, confirmation, penance, orders, extreme unction, and matrimony; and the church soon afterwards adopted this view," because the Roman clergy quickly grasped the powerful leverage

over human affairs which this newly discovered *sacramental marriage* offered them. (Page 46, same work.)

Although the Roman church had freely recognized divorces up to that time—12th century—and had even encouraged them, it immediately changed its position, after it had gained despotic control of the relationship. Even adultery was not considered a ground for the dissolution of the marriage; but the papal annullment could be purchased, with a dispensation authorizing another marriage.

In fact, the Papal doctrine was so loose in the earlier centuries of the Christian Era, that Pope Gregory II., in 726, issued a decretal allowing a man to have two wives, at the same time!

(See Woman's Share in Primitive Culture, p. 227. By Otis T. Mason, A. M., Ph. D., Curator of Dep. of Ethnology U. S. Nat. Museum. Published by Macmillan Company, New York and London, 1895.)

THE INQUISITION.

This diabolical institution, which condemned at least one hundred thousand non-Papal Christians to be burnt at the stake, and took the lives of as many more by imprisonment, starvation, and fiendish tortures, *existed as a judicial tribunal*, erected and maintained by Popes and Kings, and it cast a spell of Terror over Continental Europe, for hundreds of years.

In order that no one may have an excuse to question the facts, I will quote the history, as written by a modern Catholic, Dr. Sullivan, whose "Letters to his Holiness, Pope Pius X." were published in book form, in 1910, both in America and in Great Britain.

THE INQUISITION.

Your Holiness:

The attitude of the Papacy toward freedom of conscience, as indicated in the preceding pages, is such as to call down upon the office you hold the execration of mankind. Any man or any office that has taught that Christian people, who conscientiously worship God and interpret the Lord's Gospel in other than the Roman manner, cannot hold property; that such as they do hold shall be plundered by the "faithful;" that princes who are indulgent to them shall be deposed; that the heretic himself shall be as a dog among men, unable to bequeath his savings to his flesh and blood; and that he is to be immured in prison for life—such a man, or such an office, appealing to the suffrage and support of civilized mankind today, must receive no other support of civilized mankind today, must receive no other answer than a Canaanite, returning now to earth after four thousand years would receive, who should ask us to worship Baal, and to cast our little children into the burning arms of Moloch. And yet I have not even begun the story of Rome's trampling upon the highest right of man. Papal decrees, and conciliar laws, prescribing confiscation and imprisonment, are only the introductory Chapter. We have not even glanced as yet upon the enormous machinery designed and empowered by the Papacy for carrying these regulations into their appalling execution. I have no intention of entering into a detailed history of the Inquisition—the name of this machinery—but I will set down a brief summary of facts leading up to and concerning this institution, designed, one would say, in Hell, did one not know that its inventors were Popes.

A. D. 1157—The Council of Rheims orders branding in the face for heretics.

1166—This decree adopted by the Council of Oxford.

1184—Pope Lucius III's decree to the Council of Verona orders princes to enforce the full penalties against heretics, under penalty of excommunication, should they be remiss in enforcing them.

1197—The burning of heretics first made positive law by Pedro II of Aragon.

1220—Emperor Frederic II. prescribes outlawry and confiscation against heretics.

1221-1226—Legates of Pope Honorius III. go to enforce this law into the few Italian cities which were disinclined to receive it.

1224—Frederic II., going a step further, promulgates in Lombardy a law that heretics should be burned, or should, at least, have their tongues cut out.

1230—This law, inscribed in the Papal registers by Gregory IX., whose chief agent in enforcing it was Guala, the Dominican bishop of Brescia.

1231—Frederic II. takes final step, in his famous Sicilian constitutions, of absolutely decreeing death by fire for heretics. Shortly afterward the Emperor applied this Sicilian law to the whole Empire. How quickly the law came to be applied may be understood from the fact that in 1233 sixty heretics were burned at Verona, and in 1239, one hundred and eighty-three heretics were burned at Mont-Aime, in France.

1252—Innocent IV's bull, commanding under threat of excommunication that tem-

poral rulers should enforce all penalties against heretics within five days from their conviction as such. This bull he ordered inserted in the Imperial Statutes for Italy.

1254—Innocent IV. issues a bull incorporating the most bloody laws of Emperor Frederic II.

Inasmuch as this celebrated constitution of Innocent IV., the **Ad extirpanda**, as it is known, became classic in inquisitorial procedure, it will be useful to set forth its leading descriptions. It is addressed to all the rulers of Italy, and provides: 1st, that any one may seize a heretic, and despoil him of his property; 2nd, that every magistrate shall appoint an inquisitorial commission, whose salaries are to be paid by the State; 3rd, that no law may be passed interfering with these Inquisitors; 4th, that heretics who will not confess their heresy shall be tortured; 5th, that the houses of heretics shall be demolished; 6th, that the confiscated property of heretics shall be thus divided, one-third to the inquisitors and the bishops, one-third to the city, and one-third to those who aided in the arrest and conviction.

This, as we have noted, was made statute law, and Innocent gave particular instructions to the inquisitors to enforce it, as well as the anti-heretical laws of Frederic II.

1265—Pope Clement IV. re-promulgates the **Ad extirpanda**; Nicholas IV. does likewise a quarter-century later.

1259—Alexander IV. re-issues the **Ad extirpanda**.

1265—Urban IV. makes universal the excommunication of civil authorities who impede or delay the operation of the Inquisition. This is incorporated in the Church's Canon Law. Magistrates who fail to execute the sentence of the Inquisition are not only excommunicated, but if their negligence continue for a year, they are to be themselves proceeded against for the capital crime of heresy.

1270—Burning made the legal death-penalty for heretics in France.

1335—Pope Benedict XII. writes to Edward III. of England, complaining of the fact that the "useful and holy Inquisition" was not yet established in the English realm, and urging the king to give the assistance of the secular power to the bishop of Ossory, a Franciscan monster who had already caused some heretics to be burned. In 1401 England established burning as the penalty for heresy.

At first the carrying out of the Papal laws against heresy was committed to the bishops, the *jure divino* rulers of the Church. Thus the Council of Narbonne, in 1227, ordered bishops to have in every parish of their jurisdiction agents for the hunting down of heretics. But the bishops, showing too little of the spirit of murderers, displeased highly the "Holy" See. What the Papacy required was a corps of janissaries, a band of fanatics who would make torture and homicide the subject of their study and the business of their life. Such an organization was ready at hand in the Dominican and Franciscan orders. These, under Pope Gregory IX., entered upon their career as Inquisitors, armed with such authority from the Papacy as made bishops, by comparison, quite insignificant personages. This is the first notable instance in history of the Papacy's contempt for the presumably divine institution of the episcopate, and of the adoption of religious orders as the Pope's chief instrumentality in goerning the world. Such progress has this procedure now made, that at this day and hour the whole ecumenical body of bishops has not so much weight in the Roman Curia as the generals of half a dozen orders of monks. Bitterly as the bishops complain of their degradation, they have only their own jealousy, pusillanimity and flunkeyism to thank for it.

Armed with the amplest powers which the Papacy has ever delegated to its agents, the Dominicans and Franciscans swarmed over Europe, setting up the Inquisition everywhere, and everywhere leaving in their track terror, pillage, perjury, delation, torture, woe and death. over Europe, did I say? Yes, and beyond Europe to the very frontiers of Christianity. For even on misionary outposts, where barbarians came together to learn the good tidings, the Inquisition was set up to teach them of Jesus, and of His first and greatest commandment, which is Love! Gregory XI. appointed a Dominican Inquisitor for Russia and Armenia; Urban VI. asked the General of the Dominicans to appoint Inquisitors for Armenia, Greece and Tartary; Nicholas IV. allowed the Patriarch of Jerusalem to appoint Inquisitors from the mendicant friars; Gregory XI. empowered the Franciscan provincial in the Holy Land to act as Inquisitor-in-chief for Syria, Palestine and Egypt. Even in Abbyssinia we find indications of the tribunal's existence; and our own continent of America has known the shame and horror of it.

Your Holiness must know the procedure of this institution thus blessed and empowered by your predecessors. When the Inquisitors arrived in a parish, proclamation was made of their presence and purpose. The faithful were commanded to denounce anyone whom they even suspected of the slightest heresy. An indulgence of three years was bestowed on informers, while those who withheld their information were visited with excommunication incurred *ipso facto*. A man thus delated, very often merely because of having let fall an incautious word, or just as often probably because of a private grudge, was at once arrested and flung into prison. The whole purpose of his trial was to extort a confession of heresy. When he ap-

peared before his monkish judges, the very name of his accuser was concealed from him, and if he persisted in denying his guilt, he was put to torture. Two complainants, and in many cases even one, were judged sufficient ground for the infliction of torture even upon a man of hitherto unblemished reputation.

This infamous feature of inquisitorial trial was due directly to Pope Innocent IV., as the priest, Vacandard, confesses. Not one, or at most one, of the barbarian nations of Europe made use of torture in legal processes. It was reserved for the earthly representative of Christ to sink to this, the lowest infamy ever reached by man. Frequently the first stage in procuring the confession required before sentence of conviction could be given, consisted in sending the accused man to prison. At first he was thrust into the common dungeon and there trained spies and specialists in delation, craftily beset him to beguile him into some direct or indirect acknowledgement of guilt. Should this prove insufficient, he was immured in the **durus carcer**, the "cruel prison," a foul hole in which, half starved and bound with chains, he might be expected to come to a better mind. Or if the **carcer** and the **durus carcer** were judged too slow, or in the even had proved inefficacious, there was left the torture-chamber of the holy monks. Into this room the victim—still legally an inocent man, be it remembered—was brought, and put to one or all of the varieties of anguish which the Inquisitors possessed abundant means of inflicting. The favorite arguments of this sort were three: greasing the victim's feet and thrusting them into the fire; the triangular rack which dislocated the body stretched upon it; and the hoisting of the man to the ceiling by a rope about his hands, which were tied behind his back, and then letting him fall suddenly to within a few inches of the floor.

Let me interrupt this ghastly story to point out one of those loathsome exhibitions of casuistry with which Roman theology is diseased. The Inquisitors were forbidden to inflict torture more than once upon the same man for the extortion of confession. Did the Inquisitors quietly accept such a limitation of their august office, their "Holy Office," as their institution is canonically styled ? Far from it. They were too clever in theology not to know how to keep and break a law at the same time. So they inflicted each species of torture once. Whosoever cannot see that this is torturing a man only once, need but consult any seminarian fresh from his Roman text-books. Or they inflicted torture once for each distinct complaint. Obviously the law of one torture is saved again. Finally by the sublimest of all exercise of theological skill, they tortured their man on different days, not by way of adding a new torture, but only of continuing the old! "**Non ad iterandum, sed ad continuandum,**" Eymerich, the classic guide of Inquisitors, puts it.

With this putrid casuistry before your eyes, we shall hardly be astonished to read that the Inquisitors after having pronounced capital sentence of heresy upon a man, handed him over to the "secular arm," with the prayer that the civil authorities would not kill him; whereas, in point of fact, if they failed to kill him, they would be themselves excommunicated and put on trial for their own lives. Neither shall it be a surprise to us to learn that on Papal authority the Inquisitors actually encouraged children to denounce the heretical tendencies of their fathers, and decided that children so acting should not be deprived, despite the law of Innocent III., of a share in their father's confiscated property. Says Innocent IV., cited by Vacandard in **Revue du Clerge Francais,** April 15, 1906, page 363: "We deem it right that orthodox children who reveal the secret heretical perfidy of their parents, should not be subjected to loss of inheritance." ("Nec quidam a misericordiæ finibus duximus excludendum ut si qui paternæ hæresis non sequaces, latentem patrum perfidiam revelaverint, quacumque reatus illorum animadversione plectantur, prædictæ punitioni [i. e. loss of inheritance] non subjiceat innocentia filiorum.") Ib Ib Does your Holiness still wonder why the civilized world abhors the traditional Roman Papacy? Do you think it still necessary in explanation of that abhorrence to saddle Satan and Freemasonry with the responsibility?

How many thousands of lives ended at the Inquisitors' stake; how great a multitude languished in their dungeons; how large the number of dislocated, racked and blistered bodies that were carried from their torture-chambers; how vast the treasure of just possesions they confiscated and pillaged, during the long interval between the beginning of the thirteenth century and the middle of the eighteenth, we cannot accurately tell. Whether such figures as Llorente gives, for example, that in 1482 two thousand persons were burned at Seville alone, be exaggerated or not, I need not pause to determine. Enough for us to know that the Dominican and Franciscan monsters in control of the Inquisition, enormous as were the powers granted them by the Popes, resorted to the lowest casuistry to enlarge them. Enough for us to know that nearly every timid effort to mitigate the horrors of their tribunal met with their bitter opposition, as when they protested to the Pope against an archbishop of Toulouse in 1350 who had procured some alleviation of the heretic's "**durus carcer.**" Enough for us to read the words of a king of France who had himself taken an oath to destroy heresy, protesting in the name of humanity against the butcheries

and injustices of the Inquisition. Philippe le Bel is the king, and his complaint is that the Inquisitors at Carcassonne were putting wholly innocent people to new ingenuities of torture ("**tormenta de novo exquisita**") to extort from them accusations against both living and dead. Against another Inquisitor, Philippe writes the charge that he is forcing people to confess by terror and the use of incredible torture (**inexcogitatis tormentis . . . fateri compellit.**)

But had we no other shred of proof of the bloodthirstiness of this Papal tribunal, its achievements in the suppression of witchcraft were enough to damn it forevermore. Belief in witches and in their malevolence in causing every species of misfortune through alliance with the Prince of night has been solemnly enunciated from the Roman See.

In his celebrated bull, "**Summis desiderantes,**" of 1484, Innocent VIII., supreme teacher of pure religion, tells his contemporaries and posterity that reports of most uncanny goings-on have reached him out of Germany. Men and women are holding carnal intercourse with devils—**dæmones succubi and dæmones insubi.** These consorts of the damned have acquired alarming power over the laws and general conduct of this universe. By divers incantations, spells, and conjurations, they are destroying the fruit of the womb, causing child-abortions and animal-abortions. They are blighting crops, vineyards and cattle. They mysteriously inflict excruciating torments upon man and beast. They have brought it about that men cannot procreate nor women conceive. Exercised at this widespread deviltry, Innocent says that he is forthwith sending Inquisitors into Germany, who will combat the evil with confiscation, imprisonment and other punishments ("**corrigere, incarcerare, punire et mulctare.**") He concludes with the fearful words which, so often appended to Inquisitorial authorization, stifled every voice of humanitarian protest. "If any man of any station whatsoever dares to interfere with these Inquisitors, he will be excommunicated, suspended if he be a cleric, and laid under interdict if he be in civil authority. Not only these, but other and worse penalties will be inflicted upon him ("**as alias etiam formidabiliores censuras et pænas.**")"

The Inquisitors to whom Innocent entrusted the campaign against witches were Institoris and Sprenger, both of the order of Dominicans, the latter, author of the **Malleus Maleficarum,** "Hammer of Witches," perhaps the greatest monument of murderous superstition in human literature. Their activities were a prolonged orgy of blood. For one hundred and fifty years the work begun by them went on and resulted in a deadlier devastation than ever stained the soul of Attila or Genghis Khan. One of the Inquisition's champions, Louis of Paramo, tells us with pride that in those one hundred and fifty years the Papal emissaries had burned thirty thousand witches and sorcerers. Only in 1637 did Rome speak a word of chiding against the wild excesses of those monk-butchers of old women. (v. Vacandard in **Rev. d. Cl. Francais,** March 15, 1906.)

Is there any need of carrying this history of atrocity into further detail? Need I mention the Inquisitorial process against the dead, in which, upon posthumous accusations, the property of men who died in peace and to all appearance even in the bosom of the Church, was confiscated, and their bones dug up and burned? Need I mention specific instances to show that the Papal Inquisition debauched the morality of Europe for five hundred years, teaching the innocence of confiscation, the virtue of delation, and the godliness of murder? Need I show that, because of the Inquisition, the moral sense had been so perverted that butchery became a feature in holiday celebrations, and great lords and great ladies were invited to festivals of torture? An **auto-da fe** in which many were burned, was held under the Inquisitor-General of Spain, Sarmentio Valladores, in 1695, to celebrate the marriage of Charles II. and Marie Louise of Bourbon. Likewise Elizabeth of Valois, daughter of the King of France, while still a mere girl, was present at the burning of several more, on the festival occasion of her espousal to Philip II. in 1560.

Butchery a sport and torture a play! behold Sovereign Pontiff, whither peoples have brought up, who have in time past followed where the Roman Shepherd led!

But throughout this whole revolting story, that which causes the student most perplexity and amazement is the attitude of mind, the state of soul, of the Inquisitors themselves. These men were monks; they had renounced the world; they made it their life-profession to follow Christ. To follow Christ! the merciful Lover of men, the Healer of suffering bodies, the patient Teacher of those that erred! In His Name they turned the dislocating rack; they flung live coals on bare feet; they delivered men to the agony of the stake; they pluudered property; they incited children to spy upon their fathers and swear away their lives! In His name! Let us listen to one of these monstrosities, one of these prodigies, one of these perverts, who could read the sermon on the Mount while the shrieks of a tortured man smote upon his ears. Let us listen to one of the greatest of them, one of the most learned, whose name is to this day a high authority in Moral Theology.

Antonianus Diana, Regular Clerk, was consultor of the Inquisition for the Kingdom of Sicily. In his huge **Resolutiones Morales,** part the fourth, tract the sixth, we find the following caption: **De Tortura in Sancto Officio Suspectis Vehementer de**

Hæresi Inferenda, ("Concerning the Infliction of Torture in the Holy Office Upon Those Gravely Suspected of Heresy.") After the manner of theologians of his time, Diana treats his material in the form of questions and answers. We give a few specimens of his queries and solutions.

1st—Ought Inquisitors to be strongly inclined (**proniores**) to inflict torture?

Yes; "**Quia crimen hæresis est occultum et difficilis probationis**"—because the crime of heresy is occult, and hard to prove. Moreover, of the three Inquisitorial processes, **purgatio, abjuratio** and **tortura,** this last is the most efficacious for getting at the truth, as Pegna and Eymerich teach.

2nd—What proofs of heresy ought the Inquisitors to have before they proceed to torture?

In answer Diana cites several authorities to show that the proofs need be only slight indications (**leviora indicia.**)

3rd—If a man has been tortured once, and new evidence against him comes to hand, may he be tortured again?

Yes.

4th—If a man under accusation has run away, is this sufficient reason for torturing him?

Authorities differ; there is ground for both an affirmative and a negative answer.

5th—May torture be inflicted upon children of fourteen years, upon pregnant women, old men, and those sick of fever?

For the affirmative, Diana cites the following authorities: Joseph Sesse, a consultor of the Holy Office (**vir doctus,** "a learned man," says Diana); Castrus Palaus, Eymerich and others. In the negative are Diana himself and Delrius. Women, adds Diana, should not be tortured until forty days after childbirth.

6th—The thirty-fifth **Resolutio** informs us that in case the accused man is sick, the custom in Sicily is to torture his feet with fire, "**ei dabant tormentum ignis in pedes.**"

7th—If the Inquisitors act upon only a probable opinion in inflicting torture, though there is a more probable opinion forbidding torture in the particular instance, may they be punished for so doing?

No.

8th—Tract 7. **Resolutio** 28. May the Inquisitors proceed against a dead heretic?

Yes; a dead heretic must be condemned, and his possessions confiscated, even if they have passed out of the hands of the heir. Furthermore, his bones are to be dug up if this be possible. "Haereticus mortuus damandus est, et ejus bona fisco sunt applicanda, etiamsi devenerint in manus tertii possessoris."

9th—When Inquisitors disagree with the bishops as to the torture to be inflicted, recourse must be had to the Roman Pontiff.

10th—Tract 8. **Resolutio** 20. In cases of heresy there is no appeal from the sentence of the Inquisition. **ib. Res.** 26—If a civil judge will not execute the sentence of the Inquisition the Inquisition may proceed against him as **fautor hæresis,** "a defender of heresy."

11th—Is the testimony of a man's deadly enemy (**inimicus capitalis**) to be received against him?

Generally, no; but in cases of **heresy,** yes.

Female Convents.

By Mr. de Potter.

Pius VI. in his insolent brief to Ricci, dated May, asserted that he himself would not have dared to conceive suspicions against the *most holy order of the Dominicans*. Abbe Mengoni had but little trouble in turning this childish fear into ridicule. He proves that the Pope might easily have satisfied himself of the exact truth of all that the Bishop of Pistoia and Prato had written to him relative to the Dominican monks and nuns. He had only to direct his Nuncio at Florence to search the archives of Pistoia, and he would have found all the disorders in the convents of Tuscany spiritually directed by the monks of Dominic, disorders that had been known to prevail during one hundred and forty years. Moreover, should not the Pope have recollected the reasons which induced him to take from under the government of the Dominicans five convents of Siena, Pisa, and Pistoia, a little after the denunciations of the year 1774, of which he had a perfect knowledge?

It is clear from a letter of Foggini to Ricci, written at Rome, July, 1781, that there had been seen a sort of confession made to the Pope by a nun of Catherine of Prato, before Ricci was informed of what was passing in that convent, and which had undoubtedly been put into the hands of the pontifical Secretary of state. Teresa di Gesu, a nun of Sepolcro, wrote, that she had made Sister Spighi write a similar confession to the General of the Dominicans; that she had herself addressed the General relative to that affair, and had concealed from him nothing of all that had come to her knowledge. This did not prevent Pius VI. from asserting in his brief: "That, in the Secretary's office, there was nothing of the disorders now discovered."

In a letter from Ricci to Seratti, secretary of the Grand Duke, written August, 1781, he says, there had just been found the letters of a Capuchine nun of Borgo, or Sepolcro, and of a lay sister of Spighi. It is plain from them, "That the facts were known to many; that they had recourse to abjurations with the greatest facility; that Monsignor Ippoliti, who was almost immediately assured that they had laid down their errors, had found out something wrong," &c.

Other letters of the Capuchine, prove that Spighi had endeavored to seduce her; that she had other companions besides Buonamici; that these were also friends of the Capuchine, and ceased to write to her when she spoke plainly to Spighi, and dropped the correspondence. These letters, moreover, prove that information was given at Rome; and that the General, who says that he finds nothing in his archives, must have known it from that time.

The Advocate Zanobetti, in a letter to the Bishop of Pistoia, written from Rome, October, 1781, says: "Every week this haughty General, F. Quinones, of the Dominicans, is at a dinner-party of infidels and libertines." Zanobetti pitied the Pope, who seemed ignorant "of what human wickedness is under the veil of hypocrisy, and with the certainty of impunity."

"It was his wish to praise the Dominicans, in his famous brief of reproach to Ricci;" adds the Bishop's correspondent, "that made the Pope engage so warmly, and with so much discredit to himself, in a matter that makes him an object of pity."

In a letter from Paul Delmare to Ricci, Genoa, August, 1781, he says: "In Rome itself, whither the regular orders send their youths to study, there is a college where infidelity is systematically inculcated."

Cardinal Corsini, M. Foggini, the Avocat Fei, and the Abbe Martini, who was at Rome to be consecrated Archbishop of Florence, and who feared the same disorders in his diocese, determined on obtaining from the Pope a remedy for the convents of Pistoia, and such a remedy as might be applied to any, where a similar evil should be discovered. But they were diverted by Fei, who was himself devoted to Mamachi and the Minervites; their conduct was, in consequence, so uncertain, that the Pope thought he should be able to take advantage of their feebleness; and he signed a brief addressed to Ricci, entirely drawn up by Zaccaria, an ancient Jesuit, and by Mamachi, the most violent of the Dominicans, devoted to the Roman Court.

We have spoken of the singular propositions contained in this brief of the Pope, and particularly of the misplaced and unreasonable eulogy which he there passes on the order of Dominic. This eulogy is followed by one on the Inquisition, still more absurd than the first. "These may appear paradoxes," says Abbe Mengoni, "but it is certain that the Pontiff has commended a tribunal that is a dishonor to our holy religion." Pius VI. wished to withdraw the two nuns of Catherine from the inexorable public justice of the Bishop, to give them to the secret procedures of the Inquisition. There a general confession, in the style of those they had already made so often, would have not only obtained them entire pardon, but also have procured them the means of resuming their old course; as that tribunal is *only severe towards those whose conduct and known sentiments might influence public opinion, so as to diminish the authority and the revenues of the clergy.* Mengoni well observes, the Inquisition was, under the wise Leopold, only a vain name in Tuscany; "where, far from giving a sanguinary monk the power to burn people, and cruelly persecute them, this tribunal is curbed."

The other injurious passages of the Pope's letter to Ricci, may be deduced from the reply which the Bishop of Pistoia made him, August, 1781.

After having complained bitterly of being treated by the Pontiff as a man of bad faith, as a fanatic, a liar, a calumniator, a seditious person, a usurper of the rights of others, &c.; Ricci endeavors to evince again what he had already proved so often respecting the Dominicans, who must be regarded as the seducers of the nuns.

"It is certain, that the connivance of the principals, priors, and confessors, who have been for so many years with this society, and who were all informed of its evils, is inexcusable. If I became apprehensive of such evil having spread to other convents, I had very great reason for it, since, from the depositions made six years ago by the nuns of Catherine, and of which the originals are in the Secretary's office, it appears that the same impious opinions entertained by the two unfortunate nuns, were held and taught, though not so completely reduced to system, in that convent by some Do-

minican monks, who afterwards went as confessors and priors, or were some way else interested in the government of these other convents."

He then repeats, that the confessor, on taking possession of his office, used openly to choose a mistress among the nuns, and that, when any of them were sick, there was a fete at the convent. The confessor made the nuns attend him at table, and there he played cards and danced with them, &c. "Need we be astonished," said he, "if the disorders of so many nuns who had been all tempted, and many seduced, should eventually have spread through the town, or if their scandalous opinions and actions should have been the subject of conversation in public articles?"

Ricci immediately carried the brief he had received to Leopold, who, enraged at its contents, determined upon replying to it himself. He sent a very strong remonstrance to Rome. He complained in it of the Pope's conduct to the Bishop, whom he determined to protect with all his power. He added, that he would never consent that the nuns should be delivered over to the ecclesiastical authority, as the Pope had ordered; and he openly threatened to provide for the reformation of all the convents in his dominions according to his own discretion, if the Pope refused to submit them to the spiritual authority of their ordinary.

The Court of Rome immediately replied, that the Grand Duke might follow his own discretion with regard to the two nuns, and that the other convents in Tuscany should in future be under the power of the bishops only. The pope found himself compelled to write to Ricci in terms totally opposite to those expressed in the brief, and to grant him all he asked. This unexpected proceeding of Leopold confounded both the Holy See and its partisans in Tuscany, whose steps it was necessary incessantly to watch, in order to take away the possibility of their re-union.

Ricci mentions, that the Spanish minister at Rome sent the papers relative to this affair to his court, to serve as a model for the reforms of a similar kind which they proposed to undertake in Spain. Nothing is more useful than thus to show that correct actions are at the same time honorable, and that, in proportion as they extend their beneficial efforts, they increase the reputation of their authors. The circumstance just mentioned is also of importance in showing that Rome never yields but to necessity; and that feebleness and timidity find justice and right of no avail, in a contest with that vain and selfish court.

The Pope, who had been completely overcome in the affair of Ricci, took his revenge on the General of the Dominicans, whom he punished by two terrible reprimands for having disguised the true state of things at Prato, and thus brought his court into such a humiliating situation. He also reproached him with having permitted certain bad theses to be discussed in the convent of Mark at Florence; and in fact, so terrified the poor monk, that he left the pontifical audience in such a condition of grief and fright, as to be unable to find the door of the apartment. The Grand Duke, on his part, ordered the Avocat Fei before him, and gave him a similar castigation for his want of good service.

As soon as Ricci had obtained his authority, he did every thing in his power to soften the affliction which the nuns felt from his success. He gave them permission to choose their own confessor out of a list he laid before them of seculars and regulars. They

expressed the most lively desire to have, at least, a chaplain of their own order; but Ricci resisted all their solicitations. He had been too well taught the dissolute character of these monks, to remit his severity; and Leopold had himself prohibited any indulgence of the kind requested. So determined was he, therefore, in his resistance, that he refused the permission to the convent of Vincent, to which the Archbishop of Florence had promised this favor in the name of Ricci, who, he falsely said, had given him his word on this subject. The affair terminated in the disgrace of the Archbishop. From this epoch Ricci dates the enmity of Martini, and as a consequence, that of Seratti; whom the prelate had no difficulty in irritating against the *protege* of their common master.

The two affairs, that of the Sacred Heart, and that of the Dominicans, united both the disciples of Dominic and those of Loyola against Ricci. He was attacked on all sides, and it was only the esteem and particular protection of Leopold, that enabled him to resist the intrigues and mischievous intentions of his adversaries. Even this, however, was another cause of enmity against him; for it made him disliked by all the ambitious members of the Tuscan court, among whom especially may be mentioned Seratti, the friend both of Martini and the Nuncio.

About this time Ricci had several disputes, both with Rome and the prelates, about the keeping of Lent. It was his constant desire to bring the church as much as possible back to its ancient discipline. His attempts in this respect appear to have been dictated by the same good sense, which guided him in his other reforms. He in some measure succeeded, but brought on himself, as in the other affairs he took in hand, a whole host of opponents. Another circumstance also, which gave him a great deal of uneasiness, was the dangerous and fanatical conduct of the Lent preachers, whose manner of exercising their ministry had obtained them, in many places, the name of *Sacred Comedians*. These men carefully sought the most frequented churches, the pulpits most in repute, and used every means to get themselves chosen by the magistrates, or by those who had the appointment. It was yet worse in the country. They preached sermons there, which they had received by inheritance, or which were drawn from the archives of their convents. From his first arrival at Pistoia, the zealous Bishop opposed these missionaries, and succeeded in deterring the timid from continuing their mischievous practices.

During the Lent of 1782, the monk who preached at the cathedral had the boldness to abuse the proceedings of the government in no very measured terms. Ricci admonished him to refrain from all such expressions in future. The missionary promised to obey the injunction; but he almost immediately broke his word. The Bishop believed himself called upon to put a stop to this scandal. The preacher was strongly reprimanded. He, on the other hand, threatened to leave the city, which he knew would give rise to considerable disturbance; but at the moment measures were about to be taken against him, he was seized with a panic, submitted himself, and gave a promise of never again committing the same error. About that time, the Archbishop Martini, being opposed in all his conduct to Ricci, imposed upon the regulars in his diocese who had no cure of souls, the duty of catechising in the churches on Sundays and feast-days. This order was given, says Ricci, to astonish all those who knew the just complaints which had been made at the Council

of Trent, against the teachings of monks. The Secretary for the jurisdiction of the Prince cited the example of the Florentine prelate with much approbation to the other bishops, and Ricci saw himself obliged to appeal to Leopeld. Having received renewed promises of protection, he issued a decree, forbidding any regular's preaching in his diocese, before examination. The result was, that the monks no longer presented themselves as preachers; and the greater part of those already engaged, retired. He also obliged the regulars before preaching, even in their own churches, to go and receive the benediction of the cures. This raised more enemies against him than all he had before done.

In supplying the void which the want of sermons had left, he ordered the cures and their assistants to give expositions of the sacrament. Another means employed for the instruction of the people, was the publication of a good catechism. Ricci chose from among all the Jansenist catechisms that which seemed the best adapted for his purpose: those of Colbert and of Mesenguy, otherwise so excellent, were rejected, for fear of giving unnecessary offence to the Court of Rome, from which it was necessary to keep all suspicion of false doctrine. He preferred the catechism of Gourlin, which had received the approval of the Inquisition, and had been recommended by Ippoliti, his predecessor. Ricci prepared the publication by a pastoral letter, in which he attacks the various errors which had crept into the Church by departing from the study of the Scriptures.

Rome could scarcely retain her indignation, when Leopold suppressed the taxes, all of which Tuscany had hitherto scrupulously paid into her treasury. She, however, entirely lost her patience at the abolition of the tribunal of the Inquisition. This tribunal had been always held by the *Freres Mineurs Conventuels*. The imprudence of an Inquisitor, contributed to deprive it of its power under the government of the House of Lorraine. Thomas Crudeli, a man of letters, at that time a prisoner in the dungeons of the Holy Office, found means to inform his friends of his situation, and to assure them that, if he was not speedily freed, the bad treatment which he received, acting upon a delicate and feeble frame, would inevitably prove fatal to him. Count de Richecourt, the head of the Regency, was informed by those who had the boldness to interest themselves in the affair, of all that had occurred. He instantly delivered Crudeli from those wretches, and demanded of the Court of Vienna the abolition of the odious Inquisition. A long negotiation was entered into with Rome. The Tuscan Government would not interfere, and was contented with modifying the power of the Holy Office. Pius VI., however, would yield nothing; and his resentment against Joseph and Leopold became so violent, that he suffered the most inflammatory pamphlets to be published against them. But his anger was chiefly directed against Ricci; who, it was believed, had instigated the Duke to all these things: but the Duke was too enlightened to brook such a submission, and was not willing to share the credit of his measures with any one.

The spring of the year 1782 was so excessively rainy, that the crops were near being all destroyed, and every measure which superstition could invent, was employed to remove the threatend calamity. Ricci opposed these superstitious practices, and took occasion to give many salutary instructions on the subject of image-worship, many of the greatest errors of which he endeavored to extirpate. A long

contest with the monks was the consequence. At first it was only a war of words, but his adversaries at last had recourse to the lowest kind of abuse. The priests who were attached to Ricci, were abused in the public streets, and insulted with popular songs containing every species of invective. Out of Tuscany, the whole order of the Franciscans took part in the dispute, till at last even the friends of the Bishop began to suspect that his procedure was imprudent, and calculated to favor the sect of the Phantasiasts.

About this time the Grand Duke signified his approval of Ricci's plan for the establishment of an Ecclesiastical Academy at Pistoia; and that he might have a fit situation for it, gave him the convent of the Olivetains, which he was on the point of suppressing. Armed with this decree, the Bishop, for fear of fraud, unexpectedly signified it to the monks when they were assembled for dinner in the refectory. At the same time he took possession of the convent, and of the country-houses which belonged to the monks. He put his seal upon all the papers, and had an inventory made of the different effects, and of the furniture, without causing any noise or disturbance. The nobles of Pistoia could not repress their chagrin at this event, which deprived them of a retreat where they placed their children who interfered with their ambitious projects; and furnished them with the means of dissipating, either by gaming or conversation, their languor and sloth.

Some proofs exist of the amusements followed by those *devout* nobles. The Abbe's *tables du quartier* were found covered with the reckonings of a game, which showed the manner of passing their evenings. At another place cards were discovered; and the library of the convent, which consisted of only about a hundred volumes, was in the most miserable state of filth and confusion. *The Scriptures*, divided into several little volumes, *were not even complete*. Such was the state of the library, that there was nothing in it of any value, but some editions of the year 1400; the rest consisted of the old casuists, and other such authors, so that Leopold said *he would not give five shillings for the whole!* Such was the state of this establishment, as respected its interior; but the building itself had been just repaired, and Ricci was overjoyed at being enabled by the acquisition of it to open his academy. His first object, after obtaining this situation, was to find a good theological professor; and not hoping to obtain one in Tuscany, he applied to the celebrated Tamberini, head of the new theological school at Pavia, who sent him Jean-Baptiste Ganzi, of the same school, on whose principles he might rely. In all his subsequent measures he did nothing without consulting his friends,—the Jansenists of France and Holland. The success of the institution answered his labor; and when at his own fall, the institution also fell, he expressed the deepest regret at the event, and at the barbarous conduct of those by whom it was occasioned.

Ricci was extremely desirous of establishing moral conferences in his diocese, not merely formal, as they had hitherto been, but such as were likely to produce real practical good. This was at the epoch when Leopold had reduced the regulars within the jurisdiction of their bishops. Ricci took adcantage of it to make them assist the seculars in the monthly conferences; and succeeded beyond his expectation. The order he had received to inspect the studies of the regulars, induced him to visit the convent of the *Mineurs Observantins* at Giaccherino, near Pistoia, in order to exaxmine the

library. The collection of books in this convent was valuable and well chosen; "but such," says Ricci, "was the sloth and bad management of the monks, that it was left in a state which rendered it perfectly useless to the people. The room where the books were kept was the least known, and the most seldom frequented in the house. There were even some superiors of convents who could not say where precisely was, and who followed Ricci to discover in what part of the convent the books were to be found." At Giaccherino the library was in a little room devoted to the reception of all old and useless papers. The cobwebs which hung from the ceiling covered the unfortunate visitor every step he set, and which he had been prepared to expect, from the difficulty experienced by the monks in finding the key of the room." A promise, however, was given of amendment and the Bishop went away satisfied. A similar circumstance took place at the convent of the Paolotti at Pistoia; from which the Provincial, *thinking that books were a useless kind of furniture*, had sent all it possessed to the convent of the same order at Florence, to obtain the thanks of the monks in the capital. It will not cause surprise, to find that the regulars were not much devoted to study; so far, indeed, was this from being the case, that they gave themselves up to every kind of dissipation, and when some of them were not so disposed, they were even *prohibited by the superiors from using books* purchased with their own money.

Ricci examined some of the students at Giaccherino, to discover the state of religious knowledge among them, and found them in deplorable ignorance. Questions the most useless were discussed in the most barbarous style of scholastic folly, while the great doctrines of religion were treated in a manner so ridiculous, that even Molina himself professed himself offended. The infallibility of the Pope, his absolute temporal power over princes, and all the most silly doctrines of the Court of Rome, were stoutly defended by them, and made to support the most preposterous opinions.

"The Franciscans," says Ricci, "are for the most part, in the present day, without the least learning, even without the principles of grammar. Latin is almost entirely unknown among them, and when tried, they were unable to translate the decisions of the Council of Trent, the Roman Catechism, or the historical books of the Scriptures. They were obliged to employ a dictionary to construe their commonest lessons; and *the cleverest among them never thought of looking into the subjects which they were appointed to teach, till they were made doctors, or professors of theology!* Others less clever, were made preachers or confessors; in which capacities they only consulted some old and well-known casuist, or preached the sermons they had found in the convent." Ricci employed every means in his power to remedy these abuses, but in vain; and he saw his best and most useful projects either eluded by art, or stopped by the power of the monks, or the bad conduct of Leopold's ministers.

The Bishop found, that to commence *an attack on the monks is to bid farewell for ever to all peace and tranquillity.* The first antagonist he had to meet, in his endeavor to do away with the prerogatives of the monks in his diocese, was the monk Lampredi, to whom, very imprudently, had been given the power of visiting the convents of his order, in quality of Provincial. Ricci opposed him, and succeeded in preventing Lampredi from making his fortune, which a visitor on such an occasion is almost sure of doing. The same man wished, on some foolish pretence, to remove the college of

Giaccherino elsewhere; but the Bishop prevented any such change taking place, saying, that such a thing could not be done without an express order from the Prince. Every victory which Ricci thus obtained, furnished him with a reason for writing to Leopold, whom he assured of the possibility of reforming the whole monkish system, which was principally to be done by taking away all the privileges of the particular monastic dignities, and by making every convent a separate isolated establishment; thus doing away with that *imperium in imperio.*

The Bishop was diligent, notwithstanding all opposition, in scattering abroad the most useful books. One of these was the *Opusculum*, in which the Lieutenant-Governor of Pistoia pretended that the opinions of Calvin and Zuinglius were supported. The question was judged by the theologians of Florence; and being decided in the negative, the Lieutenant only got a sharp rebuke from Leopold for his officious zeal. Ricci was next charged with the superintendence of three congregations of priests at Pistoia; and either to reform or suppress them, as he saw fit. He employed the gentlest means to bring these ecclesiastics to reason, but in vain. He also reformed an abuse which had been long existing. The prebendaries of the cathedral of Pistoia enjoyed a very rich revenue without performing any service, which they got done for them by chaplains, to whom they paid a very small stipend, and who were, consequently, the most ignorant of the clergy.

This took place in 1782. The following year, Ricci's enemies commenced their attacks with renewed violence. Placards were put upon the cathedral gate, with the inscription "Orate pro episcopo nostro heterodoxo"—*Pray for our heretic bishop!* He was accused of heresy, and anonymous letters were sent to him full of menaces and abuse. Nor were these threats altogether without meaning; for his domestics had been bribed to admit people into his study; and he was assured that, on his going to his seat in the country, a conspiracy had been formed to take away his life, which design an assassin had offered to put in execution for five hundred crowns. So many dangers alienated from him his friends and relatives. The ministers of the Grand Duke, and even his colleagues, took advantage of it to oppose his designs, and to raise against him new enemies at court. Rome also entered into the conspiracy, and condemned his Catechism; but the Bishop, taking advantage of the approbation which the Inquisition had expressed respecting that of Venice, retained his Catechism in use, without taking notice of the prohibition.

Leopold wished to render his reform general, and every where sent the same instructions and the same orders, but he was not always seconded and obeyed. About this time he addressed a circular to all the bishops of his states, sending them at the same time the pastoral letter of the Archbishop of Saltzburg, of June, 1782. "Leopold intended," says Ricci, "to lead the people committed to his care, gradually to remove from the forms of worship all the superstitious observances that their own ignorance, or that of the clergy, or the ambitious and avaricious spirit of the latter, had mingled with them; and if he succeeded, he hoped to overcome the indifference of reasoners, and *the incredulity of the learned towards religion, the natural results of the gross debasement of the popular worship!*"

This was equally the object of Ricci, who, as soon as he received

from the Grand Duke the pastoral letter of the German Archbishop, hastened to follow up the views of the Prince his protector. He reprinted the letter, and sent a copy to each of the clergy, whom he begged to inform him of what was wanting to be done in his diocese, in order that God might there be worshipped "in spirit and in truth." The cures replied immediately; and it was on their answers that Ricci founded the reforms he introduced into his diocese, and organized those which he afterwards reduced into a system, and which he fixed definitively on occasion of his famous synod.

He limited himself, for the present, to "restricting the functions of the priests to the explanation of the Gospel during high mass, to the Catechism before and after vespers, and to benediction at the end of the ceremony. He moreover ordered, that the litanies should be sung in the vulgar tongue, and that not more than fourteen candles should be lighted!" The people, thus deprived of the splendors of the ceremony, murmured more loudly than ever. Besides this, the Bishop, that the people might be induced to frequent their own parishes, ordered private chapels to be shut on Sundays and holidays; and forbade certain splendid ceremonies to be performed, which attracted the people from their labor, and from attending their parochial churches.

The Grand Duke, seeing that all went according to his wishes in the diocess of Pistoia and Prato, loaded them with his favors. He granted to the seminary of Prato the convent of the Recollets, and gratified the new seminary of Pistoia with the suppressed convent of Claire. He gave the Dominican convent to the Dominican nuns, for the purpose of being employed as a school, under the protection of the Government. He inspected the improvements made by Ricci in his diocess, and was delighted to see that he had suppressed the number of altars, allowing only one in each church. "He encouraged me," said Ricci, "to make the same reforms in all my diocess. The project, however, was interrupted."

The institution for the women styled *Abbandonate*, was now removed to the convent which the Dominican nuns had quitted. Ricci, hoping in time to form useful women and good mothers of families, obtained permission of the Prince to restore that institution to its original simplicity. The women were now seen publicly at church on Sundays and other holidays. Opportunities were afforded them to marry, and to vend silk handkerchiefs, for the manufacture of which they were famous. The noble governors of the hospital thought these reforms too radical, and addressed themselves to the Grand Duke; but the latter ratified all Ricci had done.

Unfortunately, all the measures which had been taken to produce a reform by the suppression of the cures of the old congregations, were eluded, or falsely interpreted, in Tuscany, where their execution was committed to persons who brought them into contempt. Rome forgot not to assist in this. Defamatory libels were every where circulated against the Grand Duke and the Emperor, and sedition was preached from a variety of pulpits. Leopold was accused of changing, like Henry VIII. of England, the ancient faith; and the doctrine of Ricci was represented as full of heresy. None of the benefits produced by the new law were acknowledged by these blind bigots; and it was only fear which prevented their opposing its execution, when Leopold showed himself decidedly resolved to maintain it. "When a nation," says Ricci, "has blindly submitted for ages to the domination of priests and nobles, these

latter do not neglect to profit by their respective situations. Although naturally adverse to each other, they league together to attack those who put their privileges in danger, and who endeavor to break the spell by which the people are bound.

CHAPTER VII.

Ecclesiastical Assembly at Florence.—Acts passed by it.—Answers of the Bishops.

The Episcopal assembly of Florence is less known out of Tuscany, than the Synod of Pistoia; yet its history and its acts, will be interesting to those who are desirous of knowing the principal opponents of the ecclesiastical reforms projected by Leopold. We shall add to it a few documents relative to the jurisdiction over the church *which* was exercised by the civil powers. They were printed during the lifetime of Leopold, and were intended to enlighten his clergy, and prepare the way for those measures to which he was desirous that they should agree, for the general welfare of the Tuscans.

I. One of the seven quarto volumes which contain the acts alluded to, is entitled, "History of the Assembly of the Archbishops and Bishops of Tuscany, held at Florence in 1787." It was printed at Florence, in 1788; and drawn up as well as the other six volumes, by the Abbe Reginald Tanzini.

The preface contains a deplorable picture of the ignorance and servility of the Tuscan priests at that period.

"The famous constitution *Unigenitus*," it is observed, "which encountered so much opposition in France, was received in Tuscany without the slightest objection or hesitation; for in a synod of Pistoia held in 1721, it was placed immediately after a short confession of faith.

"Not only were the Bulls of the Popes considered as so many irrevocable laws, which were not subject to the smallest explanation; but also, all the decrees and consultations of the Romish Congregations. If a book was inserted in the Index Expurgatorius, it was a sufficient reason for ordering it to be burned, or for locking it up in some inaccessible corner, to serve as food for worms, with the Koran, and writings of atheists and sceptics.

"Every action, and every faulty and inconsiderate expression, which had happened to give offence to any hypocritical or ignorant female, were viewed in the light of crimes which it was proper to bring to the knowledge of the Inquisition, and to punish in a more terrible manner than ordinary offences against the laws of civil society.

"The Count della Gherardesca, Archbishop of Florence, with Incontri, the able opponent of the Casuists, and even Martini, who were his successors, labored to dissipate such gross ignorance. The first had the Catechism of Montpelier translated into Italian, and distributed throughout his diocess. Rome condemned the translation, and the prelate died of chagrin."

Bishop Alamanni exerted himself in the same way to diffuse information through Pistoia and Prato. "The ignorance in that dio-

cess was so deep-rooted and scandalous, that many of the priests not only did not understand, but could not even read Latin." Alamanni's vicar, who had the character of being the most learned person in his diocess, warmly opposed the plan of instituting a theological professorship, under pretence "that it was *dangerous to allow the young clergy to investigate the evidences of religion*, and become acquainted with the arguments which had been employed in attacking it."

It was the doctrine of Probabilism with which Alamanni had to contend: and which he resisted successfully, though not without much disagreement, by opposing to it the morality of Concina. Such was the ungovernable violence of the two parties, that they had recourse not only to calumny, but to blows; and the Government was finally obliged to banish the heads of the *Anti-Concinniste* faction.

Ippoliti, who succeeded him, followed his example. The writings of the monks of Port-Royal, Arnauld, Nicole, Duguet, Gourlin, and Quesnel, were disseminated during the time that he was Bishop; and Ricci, finally completed their triumph.

The diocesses of Colle and Chiusi followed the same example.

Next follows a statistical account of the ecclesiastical state of Tuscany. In 1784, the Grand Duchy contained the astonishing number of 7,957 secular priests; 2,581 persons in orders of an interior rank; 2,433 regular priests, with 1,627 lay-brothers, distributed over two hundred and thirteen convents; besides 7,670 nuns, occupying a hundred and thirty-six establishments of seclusion.

Then succeeds a long enumeration of reforms effected by the Grand Duke, before convoking that assembly, which was to put the finishing stroke to his ecclesiastical designs, to prepare their ratification, and to give notice to the approaching national council of the measures which he intended it to complete and put in force.

Leopold endeavored to give fresh vigor to ecclesiastical studies by the foundation of academies, which should be strictly confined to such an object; and he strongly inculcated on the bishops the necessity of keeping a vigilant eye on the morals of the clergy, and of admitting no one into the priesthood, who was not in every respect worthy of becoming a member of it. He farther adopted every possible measure for preventing the too great poverty, and consequent contempt, of the clergy; he rendered the curacies perpetual, and compelled the curates to reside, and to perform their duties with punctuality. Next, he abolished the exemptions and noxious privileges enjoyed by the regular clergy; and it was his desire that they should neither be dependent on Rome, or any superior, or on any bishop residing without the limits of the state. He never appointed any superiors but such as were Tuscans and natives of the kingdom: he suppressed the class of hermits; and he was anxious to prevent the payment of taxes to any one not residing within the kingdom. He prohibited females from assuming the religious habit before the age of twenty-five, and from making formal profession before they were thirty. He reduced all the female convents where the communal life was not, or could not be strictly observed: and converted them into conservatories entirely dependent on the Government, except in spiritual matters, in which no vows were required, and in which they were obliged to instruct young females, and to keep open school. He diminished the pomp of the church festivals and ceremonies, as well as their numbers; abolished all societies denominated *Pious*, all congregations, con-

fraternities, and third orders, &c.; and substituted for them a single confraternity, called the Confraternity of Charity, which was ordered to assist in the discharge of religious functions, in succoring and relieving the sick, in accompanying the viaticum, &c. He suppressed the Inquisition, and restored to the bishops the right of trying spiritual causes, exhorting them at the same time to conduct themselves with clemency and mildness. He forbade, in the strongest terms, the publication of any address, censure, or excommunication, which had not been sanctioned by the royal *Exequatur;* he totally prohibited and suppressed the bulls *In Coena* and *Ambitiosæ;* abolished the privilege enjoyed by the priests of trying laymen in their courts; subjected every one in holy orders to the jurisdiction of the civil tribunals, when the offence charged was of a criminal character; and left to the ecclesiastical courts, merely the cognizance of matters of a purely spiritual nature.

In a preliminary discourse, the author informs us, that the Tuscan bishops, in obedience to the orders of the Grand Duke, prepared to hold their diocesan synods, when they received from Leopold fifty-seven theological points, which he desired them to consider, and to send him their answers.

The same was signified in a second circular, dated January, 1786, which contained a declaration of the intention of Leopold to purge religion of the abuses and superstitions by which it was disfigured, and to restore it to its primitive purity and perfection. He at the same time implored them to express their sentiments fearlessly and boldly on that head. "The intelligence and information of the Grand Duke were every where admired, and his fifty-seven points were reprinted in France."

Ricci availed himself of this circumstance to hold a diocesan synod of Pistoia.

The answers of the bishops to the fifty-seven points being far from uniform, the Grand Duke adopted the resolution of calling, previously to the convocation of the national council of which he had sketched the plan, an assembly of bishops, in which the matters intended to be agitated, should be prepared and discussed in such a way as to leave no pretext for opposition or discord. In March, 1787, the bishops were convoked; and their assembly opened in the following April.

The whole of Tuscany was occupied with this event, and more particularly those persons who had either been delighted with the suppression of the Jesuits, or who deplored that unexpected catastrophe. The former opposed, with the Prince and some Tuscan prelates, the pretensions of the Court of Rome and the superstitious notions of the vulgar, particularly the Worship of the Sacred Heart, *Cordicoles*, which was the rallying sign of the secret Society of the Jesuits, *the impenetrable mystery of whose proceedings concealed the continual additions which it made to its members.* The others, on the contrary, employed every means in their power to support that society, and were aided in their pernicious designs by the populace, the monks, and the Court of Rome.

Three archbishops and fourteen bishops attended the first session, and were, each of them, accompanied by two or three legal advisers. A violent dispute took place in regard to the manner of expressing the opinion and will of the assembly, or rather on the canonical mode of procedure in councils of a similar kind; the resolutions of the assembly, on that point, naturally serving as a model for the

guidance of the approaching national council. The opposition party, that is five-sixths of the assembly, loudly called for the plurality of votes, which were in their favor, as the best mode of expressing it; the other party insisted on the unanimity which the Grand Duke had demanded in his circular. The question was finally determined in favor of a plurality of votes, and the Bishops of Pistoia, of Colle, and of Chiusi, were obliged to content themselves with an insertion of their protest against this irregularity.

The second session opened by a recommendation of secrecy in regard to the proceedings of the assembly,— a secrecy which had been violated in so scandalous a manner, in regard to what had taken place at the first meeting of the bishops, that the speeches of each of the members had been very currently reported in almost every house at Florence.

They next proceeded to an examination of the three first points proposed by the Grand Duke. All the members agreed in the opinion expressed by the Prince, except in regard to the deliberative voice which he conferred on those who were only priests; and which the assembly, with the exception of the Bishops of Pistoia, Colle, and Chiusi, and the canons and theologians Vecchi, Tanzini, Palmieri, Longinelli, &c., would only recognise as consultative. In the very animated discussion which took place on the subject, the Bishop of Pescia behaved with the greatest violence, and allowed himself to be so transported with passion, that he accused Palmieri of heresy, because he had proposed an examination of the right of the priests to sit as synodal judges. Lampredi, the adviser of the Archbishop of Pisa, gave the appellation of conventicles to those councils which had permitted such an irregularity; notwithstanding his opponents distinctly proved that such had been the practice in the councils which were held in the times of the primitive Church.

In the third session, the subject of the plurality or unanimity of votes, as necessary for guiding the decisions of the approaching council, was renewed. The fifteen bishops of the opposition party declared in favor of a plurality, in all cases whatsoever; the remaining three, only in cases relating to the discipline of the Church, strict unanimity being always required in matters of faith.

These three prelates gave in their vote, concerning the deliberative right of the priests in synodal assemblies, for insertion among the acts.

The assembly next proceeded to an examination of the fourth point, on which no discussion took place; *the necessity of correcting the missal and breviary having been agreed to by a resolution.* The three metropolitans were ordered to execute this duty with as little delay as possible.

The proposal for using the language of the country in the administration of the sacraments was not so well received; and the opposition, in endeavoring to combat its propriety, gave proofs of their ignorance, which were very carefully exposed. However, after showing the opponents of the measure that the Latin language was universally understood and spoken, at the period of composing the liturgy, *all of them agreed that it would be proper to employ a language which was familiar to the people.*

In regard to the fifth point, the fathers were unanimously of opinion, that the bishops possessed the privilege of granting all lawful dispensations. The opposition party maintained that the privilege of granting them, enjoyed by the court of Rome, ought

to be respected; but became divided as to whether it would be sufficient to demand from the Pope power to resume their ancient rights, or whether it would be most proper to receive at his hands the power necessary for granting dispensations. The three bishops of the adverse party refused to agree to this last proposition, because it would have the effect of making the episcopal body be looked upon as merely the delegates, in that respect, of the Court of Rome, which ever afterwards, whenever it might think proper to repent of the concession, would resume the privilege under pretence of its being merely a temporary grant. These three prelates having finally agreed, for the purpose of attesting it by a specific act, to request permission to resume the exercise of their ancient rights, of which they only considered themselves the depositaries, and which they consequently could not give up, the Bishops of Samminiato and of Soana joined them. The others continued their opposition, principally at the instigation of the Archbishop of Pisa.

By order of the Grand-duke, the affair of the Bishop of Chiusi and Pienza was taken into consideration. A pastoral letter in regard to the *hidden* truths of sound doctrine, which he had addressed, in April, 1786, to the clergy and the orthodox part of his diocese, had been approved by several theologians of the highest merit and reputation, and was afterwards printed and published. Rome condemned it in the course of that year by a brief, which it transmitted to the prelate, accusing him of evil intentions, and enjoining him to retract. The prelate, in his reply, cleared himself from the accusation as to the purity of his intentions, of which, he said, no one had any right to judge; demonstrated the absolute impossibility of retracting the whole of what he had advanced in his pastoral address, inasmuch as it contained many unquestionable articles of belief; and requested that the errors of which he had been guilty might be pointed out to him as soon as possible, as he only waited to be made aware of them, in order to retract them. Next year the Pope despatched another brief, much more violent than the first, and full of the grossest abuse, not only of the Bishop of Chiusi, but of the whole episcopal body of Tuscany, of the Government, and of the Prince who was at its head, who, it was there alleged, was tinctured with heterodox opinions. The prelate, after such a gross personal insult, in despair of receiving any justice at the hands of the Court of Rome, communicated the whole affair to the Grand Duke.

There is also an excellent memorial by Ricci, which was read in the assembly, concerning the inalienable rights of the clergy to full and absolute jurisdiction over their dioceses—rights of which the councils neither wished nor could deprive them, and which they have only explained by the canons; rights which all pastors are obliged to claim in full, and which they must exercise for the good of those committed to their charge. This is the passage which relates to the reservations of the Court of Rome.

"During the early ages of the Church, no instance occurs of any general and perpetual reservation by the councils in favor of the Pope, nor of any limitation of the power of the bishops prescribed by the Popes themselves. What now remains of the applications which were made to Rome at that time, are in fact any thing but reservations or limitations. The practice then was, to communicate to the Bishop of Rome the most difficult and important cases which occurred; to inform her of the fortunate or unfortunate state of

the churches which were spread abroad in different parts of the world, and to request her to interest herself in regard to them. The Church of Rome communicated in the same manner her affairs to the other churches, particularly to those which were the most celebrated and most respectable. As they only formed altogether one body and family under the authority of one supreme and invisible head, Jesus Christ, every thing which occurred, whether fortunate or unfortunate, was considered as affecting the whole. The communications to the Church of Rome were naturally of more frequent occurrence than to any other, from its being the most important and respectable. That circumstance, however, does not by any means prove a right of reservation on her part, which is contradicted by what actually took place on such occasions; the most authentic of the ancient decretals being only simple advices or exhortations.

"Rome herself did not even pretend to the possession of any legislative authority. The Popes, when they were consulted on any point, either solved the doubts which were proposed, or prescribed the observation of rules, not on the authority of any laws enacted by themselves, or any right of reservation, but on that of tradition and the canons, to which they acknowledged themselves bound to yield obedience. Whenever they attempted a departure from these principles, or sought to convert them to any bad purpose, the rest of the churches protested against the irregularity of the proceeding, and boldly applied to it the proper remedy.

"There can be no doubt that the attempt to legislate for, and to command the rest of the churches, took its origin after the period of the *false decretals*, and that it was not made either immediately or at once; for, in general, even the decrees of Innocent III., and Alexander III. retained, for a long time after that period, the mere character of exhortations and advices. The frequency, however, of these consultations, the universal ignorance which prevailed every where except at Rome, and the political circumstances of the times, made the advice of the Popes to be carried into effect without the slightest hesitation or modification. Hence, in the course of time, they were considered as of equal authority with the laws; while the Popes themselves, not finding any resistance to their injunctions, and pretending to believe that they were invested with authority to pronounce them, went so far as to arrogate that every thing relating to the church was within the cognizance of their jurisdiction.

"Nothing is more common than to see absolute and unlimited power degenerating into excess and tyranny: and such was the case with the authority of the Popes. The extravagances of the despotism of the Court of Rome, gave rise to murmurs and dissatisfaction. The power which they enjoyed was never a source of peace and tranquillity. The concordats of Germany and France, the pragmatic sanctions, the liberties of the Gallican Church, as they were called, are all of them to be considered as so many proofs of the opposition which was made to the attempts of the Court of Rome, and as so many bulwarks raised by the bishops and the people, with the view of preserving to themselves some portion of their primitive and indestructible rights.

"The councils of Constance and Basle wished to strike at the very root of the evil: that of Trent attempted to restore to the bishops as much of their authority as the preponderance of the Court of Rome would permit. All these attempts have been unsuc-

cessful; and Rome, by the creation of its various Congregations, has devised so many methods of multiplying its reservations, that they have become so numerous as scarcely to leave at the disposal of the bishops a shadow of the authority which originally formed a part of the episcopal character."

The seventh article was next taken into consideration. The opposition spent but little time in combating the uniformity of instruction and doctrine demanded by Leopold, that it might let loose all its fury and violence against Augustin, whom it used every effort to blacken, as being the only source of that uniform doctrine. Lampredi went so far as to declare the author a *hot-headed declaimer!* The opposition bishops, not knowing either how to avert the blow with which they were threatened, or how they could deny the authority of a father of the Church so celebrated as Augustin, offered to admit it, on condition that his works should always be accompanied by those of his faithful interpreter, Thomas. The Dominicans had succeeded in making that scholastic writer speak the languae of the Jesuits, and they were desirous of making common cause with them.

It was objected, however, that the consequence of such a proceeding, would be a return to all the absurdities of the ancient school; that the writings of Augustin had been perfectly well understood until the time of Thomas, who had rendered them obscure by his attempts to explain them; that Baius, Jansenius, and Quesnel, to whom it was pretended that he had given birth, made their appearance after his interpreter; and finally that the proposition of Mamachi, *Augustinus eget Thoma interprete*, Augustin requires the explanations of Thomas, had been tacitly condemned by the See of Rome. It was only in consequence of this partial concession on the part of the Court of Rome, that Vasquez, general of the Augustins had recalled the prohibition which he had issued four years before, to quote or name Thomas in any disputes which might arise in future: "the time," said he, "is gone by, in which there is any ground for dreading the bugbear accusation of being tinctured with that chimerical heresy, dominated Jasenism."

The necessity, however, of accompanying Augustin with the explanations of Thomas, was decreed by a majority of the assembly: and a commission named to regulate the method of instruction, and to point out the authors who had been most successful in expounding the doctrine of that writer. It is not a little remarkable that a work was proposed, in which the adversaries of the opposition proved that the writer had inculcated the seditious maxims of Pope Gregory VII., by applying to sovereign princes the epithets of "servants of the Pope;" by decrying the authority of general councils, and converting the Roman Pontiff into an absolute despot. The Archbishop of Florence denominated these grave errors "trifling blemishes," an expression on which Ricci commented with much warmth and severity."

The measures recommended by Leopold in his eighth article for preventing any persons from receiving ordination, except those who had been properly instructed, whose morals were unexceptionable, and whose vocation could not be called in question, as well as for preventing a greater number from being ordained than was absolutely required for the service of the Church, gave the opposition some reason to fear that he wished to diminish the number of the clergy. They accordingly employed their utmost efforts to prove

that Tuscany instead of having too many priests, or any who were useless, rather stood in need of some addition to its present number; and urged that opinion with such determined obstinacy, that it became necessary to allow each bishop to regulate his diocess in that matter as he might deem most proper. The consequence was, that while all agreed to the truth of the principle that no useless priests should be ordained, each reserved to himself the right of ordaining as many as he chose. The clergy denominated Eugenian, belonging to the cathedral of Florence, who were made priests for no other reason than the services which they had rendered to that church, were exempted from all reform. From thirty-three clerks who composed it at its commencement, that body had increased to one hundred and fifty. The grand argument employed throughout the whole of this discussion was, that bishops ought not to tie up their own hands.

The same argument was made use of to combat the ninth point, concerning the necessity of fixing eighteen as the proper age for receiving the tonsure, and entering into the clerical profession; as well as of ridding the churches and the service, of the children employed in the choir, who went through their duty with as little decency as fervor. The fear of seeing the numbers of the clergy diminished by the lopping off of any one of the shoots from which it was increased, was so great, that it became necessary to leave this article also to the discretion of the bishops.

Testimony was given by Longinelli, who was director, during eleven years, in regard to the Eugenian clergy of Florence, the most numerous collegiate body perhaps in the whole of Europe. Speaking of their disorderly habits, he says, "At the time that I resided in that city, I used my best endeavors to eradicate, at least, the most apparent causes and occasions of the irregularities which were committed: such, for example, as the nocturnal service: but I dare not flatter myself that I succeeded in extirpating the whole. The admixture of so many little boys of very tender years, opens so many sources of disorder, that the utmost vigilance of the most attentive master is incapable of detecting them. The children who enter into the society of these young clerks, find these disorders in full operation, and in a short time they also become infected with the contagion." Longinelli reckons four hundred persons in orders, at Florence alone.

The tenth, the eleventh, and the twelfth articles, furnished but little food for dispute. The opponents of the measures promised to conform themselves to them as far as possible; and the other bishops declared that they would regulate their conduct by the expressions of Leopold, in the same way as with the two preceding articles.

The thirteenth article presents nothing remarkable, except the unanimous adoption, after some little debate, of the principle put forth by the Grand Duke, "that the right of patronage in the case of churches, cannot justify any one in nominating a pastor who is disagreeable to the congregation: and that due deference must be paid in every case, to the right which the people have to good spiritual directors and solid instruction."

The fourteenth article gave rise to a very interesting and very animated discussion on the practice of *asking charity for saying masses;* a means employed *by an avaricious priesthood for retaining the people in ignorance, and inducing them to believe that they thereby purchase the holy sacrifice and its spiritual effects.* The

practice had been permitted when the clergy were poor, and was consequently obliged to procure their support from the charity of the people; but since they have possessed in abundance what is necessary for their maintenance, it only served to increase the numbers of the useless clergy, who looked upon their profession merely as a trade and means of subsistence. The opposition, from an opinion that the Church had not enough of property to support all its ministers, without reflecting whether there was not a superfluous number, caused a resolution to be adopted, that the bishops should each of them regulate that matter according to the necessities of their diocesses.

The fifteenth article was treated in the same manner. The opposition party agreed as to the incompatibility of more than one benefice requiring personal residence, being conferred on one clergyman; but they would not consent to the consession of several simple benefices, until their joint incomes should amount to sixty crowns, as the Grand Duke proposed, for the support of a chaplain or curate. They saw also in this proposal the much dreaded diminution of the numbers of the clergy, and even openly avowed their fears, saying, that out of five small benefices given to five ecclesiastics, there was always a certainty of finding one really good priest—a circumstance which could not so certainly have been relied on, if they had all been united in one. This reasoning was easily refuted by their adversaries, who insisted on obedience being yielded to the commands of the Prince, by excluding from ecclesiastical orders all the lazy, and consequently useless priests, and by ordaining those only who deserved to be appointed.

In regard to the seventeenth article, the opposition resisted the declaration, that the person promoted to the enjoyment of a benefice in a diocess should in all cases have been ordained within it; but it allowed, nevertheless, that it would be much better that such were the case.

The twentieth and twenty-first articles furnished matter for a discussion, in regard to those who were merely priests, not attached to any particular Church, and were only obliged to say mass, and to recite the breviary. The opposition party agreed to the propriety of doing away with that abuse.

Oratories and private chapels were attacked with much warmth in the course of the discussion, which took place on the twenty-second and twenty-third articles. The bishops of the opposition party would not hear of their being abolished: they consented, however, to join in prohibiting the celebration of divine service in them on Sundays and festival days, except by permission of the ordinary. The three bishops, and also the Bishop of Soana, demanded their entire suppression: particularly on the ground of the injustice of always granting the privilege to wealth and rank, which possess no merit in the eyes of the Almighty.

The twenty-fifth, and following articles, in regard to the decency of conduct required from priests, which necessarily prohibits them from hunting, frequenting the theatres, &c.; the dignity of the service of the Church, without either expense or shows: the ceremonies, fetes, &c.; were entrusted, as regards their execution, to the prudence of the bishops, according to the particular circumstances of their diocesses.

The affair of the Bishop of Chiusi and Pienza was resumed. Notwithstanding the explicit orders of the Grand Duke, and the

formal requests of the prelate himself, the opposition party, consisting of his colleagues, peremptorily refused to examine the pastoral address in question, as well as the briefs of the Pope, through dread of offending the latter by re-judging not only what he had condemned, but also the sentence of condemnation itself. At last, they came to a resolution, in which the Bishops of Pistoia and Colle, with those of Sepolchro and Arezzo joined, that each should give in his opinion in writing, and transmit it immediately to the Grand Duke, with a proviso, that their opinions should be communicated to the Bishop of Chiusi—an injunction which Leopold faithfully observed.

The discussion on the twenty-eighth article brought under the attention of the bishops the small curtains, veils, or mantles, which it had been the practice to place before particular images. All the arguments of the bishops, theologians, and canonists, who spoke in favor of the proposal of the Grand Duke, however striking and well-founded, could only prevail on the opposition party to agree on the unveiling of the images which were held in the smallest estimation. According to their opinion, the ancient images might remain veiled, without producing the least inconvenience; provided always that the bishops took care to instruct their flocks not to attach any material or superstitious idea to that mark of respect.

The twenty-ninth article brought under their review the anniversary masses for the repose of the dead, which had increased beyond all bounds; the exorbitant number of masses generally; the gross indecency of saying *several masses at the same time in the same church; the hurry with which masses are said* by those who celebrate them, who are driven to this indecent conduct, in order to make room for others; *the quarrels which take place* on that subject in the sacristies; *the high or low rate charged for saying masses*, according to the greater or lesser number of the candidates; the application of some masses to a particular person, either living or dead, according to the intention of the celebrator, or his constituent; the privileges attached to particular altars, days, and priests, &c. The Archbishop of Florence was the most obstinate in denying the existence of such abuses, and in wishing to preserve all these matters as they were. All the other prelates allowed that the abuses existed; but would not consent to bind themselves to do any thing more than merely to instruct their flocks to do away with the existing errors, as far as had been required by the Council of Trent.

In the course of this discussion, there occur several very pointed remarks on the personal and local privileges of the clergy; on the Gregorian altars, to which, it was pretended, the power of rescuing a soul from purgatory at will, was attached, &c.

"An error so very gross as that of the privileged altars, is connected with a great number of others in regard to indulgences. The condescension shown by the Church in granting absolutions, is in reality only a diminution of a separate part of the punishments pointed out by the canons of the Church: a diminution which, during the first ages, was only granted on account of extraordinary fervor in the penitent, or from a consideration of the impossibility of his undergoing the whole of the punishment which had been imposed on him. That favor now passes for a complete remission of sins: while *the absurd and false opinion every where prevails*, that whoever has departed this life in possession of a *plenary indulgence, has no sin to expiate, and is received immediately into the regions of eternal*

glory! Under the impression of these and other equally ridiculous and exorbitant ideas of the power of the Pope, both in this and the other world, people have not hesitated to declare that *the souls of the dead were equally capable of receiving the benefit of indulgences.*"

The fundamental principles of religion are not known or recognised, and they either will not or dare not investigate them. They do not even perceive, that the excessive number of privileges of which they boast, are a sufficient proof of their being ill founded.

"If it were true, as is stated by some persons, that a soul was delivered from purgatory each time that a privileged mass, whether local or personal, was said, *purgatory ought not only to be always empty; but to have a very large sum at its debit*, in behalf of the souls who have not yet made their appearance there. In every parish church, by an indulgence of Clement XIII., the grand altar is privileged. There is always one of the same kind in every church of the regular monks, possessed of seven altars; and in every other the privilege exists, at least for some particular day in the week. The number of priests possessing the privilege personally is very great. On a moderate calculation, the privileged masses which are said every day in the city and diocess of Florence alone, amount to several hundreds, and consequently exceed, to a considerable degree, the number of persons who die in the course of the day. The same may be said to be the case proportionally in all Catholic countries."

The thirty-seventh article gave rise to the display of much sound argument and erudition, in support of, and of much obstinacy, bad faith, and ignorance, in opposition to the desire which the Grand Duke had expressed of prohibiting more thon one mass from being said at the same time, and of permitting only one altar in the same church. The opposition party would only promise to abolish those altars which were useless, or indecorously situated.

On the fortieth article, the dispute in regard to the jurisdiction of the curates was renewed. The opposition party would not consent to their possessing any, and maintained that they were, and ought to be, entirely dependent on the bishops.

The theologians and canonists delivered their opinions in regard to the affair of the Bishop of Chiusi and Pienza. All of them agreed in praise of his pastoral address, which they declared to be faultless, and in censuring the replies of the Pope, as well as the calumnies, and vague and undefined accusations which were preferred against the whole of the episcopal body, the Tuscan Government, &c.

Ricci took up the defence of the Bishop of Chiusi with much warmth, insisted on the bishops coming to a determination on the matter as soon and as clearly as possible, and on demanding from the See of Rome ample reparation for the injury; maintaining that if its error was once pointed out, the Court of Rome could not fail to yield to their remonstrances. The boldness of Ricci is so much the more remarkable, as he had just received intelligence of an insurrection which had been excited at Prato, in honor of the Girdle of the Holy Virgin.

The forty-fourth article gave rise to a discussion in regard to the books prohibited at Rome, among which were found, some of those which the Grand Duke proposed to form part of the curate's library. The opposition party rejected the whole, after having declared, that they did not thereby pretend to condemn either the authors or their writings. The argument by which it attempted to

justify their conduct in that respect was, that it was much better to give the priests those works only which were exempt from all suspicion, stain, or censure. The three prelates who were of a contrary opinion, accepted the article proposed by Leopold without the smallest hesitation or modification.

Among other books which were pointed out, were the writings of Quesnel, Le Tourneux, &c., to which Ricci added those of Nicole, "The Provincial Letters," Godeau, Duguet, &c.

The fifty-sixth article was more favorably received. The bishops agreed generally in the necessity of curtailing the privileges of the regular orders, so as to reduce them to the situation of mere coadjutors of the curates, and to render the possession of their properties dependent on their making themselves useful in their parishes, instead of injuring the service of the churches, and attracting the people to themselves solely for their own advantage, as had hitherto been the case.

The fiftieth article required the convents to be independent of their provincials and generals. That independence appeared to the greater part of the opposition to have been sufficiently secured by the laws which already existed in full operation in the Grand Duchy. The bishops of Pistoia and Colle declared that they preferred, according to Leopold's proposal, that each convent should form a separate community, subject only to the control of the bishop of the diocess in which it was situated.

The Grand Duke added four new questions to his fifty-seven articles, which furnished matter for some interesting discussions. One of those related to the baptisteries, which the opposition party would not consent to grant to all parishes, principally at the instigation of the two archbishops of Florence and Pisa; another, to the abolition of the mendicity of the religious orders. The opponents of these measures did not deny the inconveniences resulting from the license which these orders had to beg; but they exaggerated the impossibility, on the other hand, of providing in a proper manner for the support of the mendicant orders.

The important subject of marriage presented one peculiar feature. The opposition party would not agree to the nullity, in a civil point of view, of mere promises, whether written or verbal, as the bishops of Pistoia, Colle, Chiusi, and Soana would have wished them. They agreed, however, with those enlightened prelates, in admitting that there was a distinct difference between the contract and the sacrament, and even allowed that the sovereign possessed all authority in regard to the former.

The commission which had been appointed to draw up a plan of ecclesiastical study which would render the doctrine of the Church both sound and uniform, at length delivered the fruits of their labors to the assembly. The disputes in regard to Augustin and Thomas, and to systems of theology containing propositions injurious to the rights of sovereign princes, were in consequence renewed.

The opposition party displayed their ill-will on the subject of useless oaths, which they would not consent to abolish, notwithstanding the powerful reasons urged in behalf of such a measure.

This obstinacy brought on a discussion in regard to the oath of vassalage to the Pope taken by the bishops, which Tanzini denominates a feudal remnant of *Hildebrandine policy*.

The opposition party had neither the boldness to support, nor to forbid the taking of it in future; but found the means of getting out of the dilemma, without compromising itself with the Court of Rome, by saying that they had nothing to suggest to the Grand Duke on that head. The bishops of Pistoia, Colle, Chiusi, and Soana implored the Prince to take the matter into serious consideration, and stated their conviction that a simple promise of canonical obedience was all that was required.

The plan of a uniform course of study for the whole of Tuscany was considerably amended by the suggestions of the Bishops of Pistoia, Colle, and Chiusi: the opposition party would not, however, consent to the abolition of the scholastic method of instruction, which those prelates were anxious to extirpate as an invention of the dark ages, and to substitute for it the scriptures, tradition, and the fathers. Neither would they depart from the necessity of employing the writings of Thomas for the interpretation of those of Augustin.

Several memorials from the synod of Pistoia to the Grand Duke were transmitted by the latter for examination to the assembly. Notwithstanding the opinion of the Prince, which on the whole was favorable to them, the assembly received them very coldly. Among other matters, they refused a request in one of them to refer all the fetes to the Sunday following the day of their occurrence, to abolish the necessity of abstaining from labor on these days, and on the evening preceding fasts, with that of attending mass not only on these days, but also on the festival days which had been abolished, but which were still attended with that obligation.

Another memorial contained the project of a general reform of the religious orders of every description, which Ricci was desirous of uniting under one single institute, namely, that of Benedict. In that case there would only have been one convent, always situated in the country, for each town, and containing, with the exception of one or two priests required for the administration of the sacraments, only lay monks. The opposition party would not, however, agree on any terms to the execution of that plan.

The nineteenth and last session was held in June, 1787.

The Grand Duke gave orders that the acts of the assembly should remain open during eight days, for the purpose of affording an opportunity of inserting replies to the articles already deposited. He gave audience to the assembly in a body, and testified to them his vexation at the malignant spirit with which they had misrepresented his intentions, and the selfishness which had induced them to reject his proposals: at the little harmony and concert which existed among the bishops, and at the spirit of prejudice and party which had actuated them, &c.

The Prince afterwards prohibited in his states the "Journal of Rome," the "*Projet de Bourg-Fontaine*," and other periodical and defamatory publications, which, after being composed at Rome, were disseminated throughout the whole of Tuscany, "for the purpose of exciting sedition, and increasing the superstition which gave birth to it."

The writer terminates his volume with some very appropriate and just reflections on the progress of knowledge: a progress which had taken place much against the wish of the assembly itself, which, although determined to delay the intellectual revolution which was operating, as much as possible, could not prevent that body from

coming up to that which had already taken place. Although there was a predominant party inimical to reform, many resolutions were passed, which, a century before, would have been considered as so many heresies. Without paying the least attention to the Court of Rome, the studies of the regular clergy were distinctly pointed out and determined; themselves subjected to the control of the ordinaries, and the principle of yielding obedience, and rendering themselves useful in the spiritual duty of the parishes, was formally recognised. A uniform system of ecclesiastical instruction, for which Augustin was chosen as the model, was established; the reform of the missals and breviaries was resolved on; all taxes for administering spiritual aid were abolished; and the luxury, dissipation, and gross irregularities of the clergy, were openly condemned.

II. The second volume of the Collection of the Acts, is entitled "Ecclesiastical Points compiled and transmitted by his Royal Highness to all the Archbishops and Bishops of Tuscany, with the replies of those prelates:" Florence, 1787.

The fifty-seven points proposed by the Prince relate to the necessity of holding diocesan synods; to the right of the curates to sit and vote in them; to the indispensable necessity of reforming the missals and breviaries; to the abolition of useless oaths; to the reclaiming of the authority of the bishops which had been usurped by the Court of Rome, especially the power of granting dispensations, and more particularly dispensations in matters relating to marriage; to the uniformity of doctrine and study according to the writings of Augustin; to the prohibition to ordain priests to sinecures, to permit their receiving the tonsure and being admitted to the rank of a clergyman before the age of eighteen, and to crowd the churches and altars with the children belonging to the choir, as had formerly been the case; to the absolute necessity of ordaining none but priests worthy of being intrusted with the ministry; to the abolition of begging for saying masses; to the impropriety of one individual holding and doing the duty of several benefices; to the necessity of attaching each incumbent to a particular church in the district of his benefice; to the suppression of private oratories; to prohibiting the priests from hunting, frequenting inns, coffee-houses, theatres, gaming-houses, &c., trading, employing themselves in commercial speculations, &c.; to a reduction of the extravagant luxury of the temples, and of the theatrical pomp of festivals and religious ceremonies; to prohibiting the celebration of more than one mass in the same church; to the examination of all relics, denominated sacred, and the elimination of those which were false; to the unveiling of covered images; to the instruction to be given to the people relative to the communion of saints, and to suffrage in behalf of the dead; to the duties of curates; to exhorting the people in the language of the country on the Gospel for each day, and the explanation of the Latin prayers which are repeated; to the books to be furnished by the Government to the curates; to the submission of the regular monks and nuns to the curates and bishops; and to the invalidity in Tuscany of orders, permissions, dispensations from Rome, unless accompanied by the *Exequatur* from Government.

The first answer is from the Archbishop of Florence, Martini, the chief of the opposition party in the national ecclesiastical assembly. That prelate principally combats the proposal for correcting the missals and breviaries, the administration of the sacraments

in the common language of the country; the validity of dispensations granted by the ordinaries, all innovations tending to diminish the solemnity and splendor of the external part of religious worship, or the number of priests, clerks, or festivals.

The answer of Sciarelli, Bishop of Colle, and one of the three prelates who favored a thorough reform, follows next. He approves of all the proposals of the Grand Duke; advises following the example of Ricci after his council, both as to the nature and the mode of the reform to be effected; quotes, as one of the oaths which ought to be abolished, that which is taken to the See of Rome at the time of consecration; considers ordinary bishops possessed of sufficient power, without having recourse to the Pope, to govern their diocess, to grant dispensations in all lawful cases, &c.; shows a disposition to abolish all ceremonies, processions, fetes, &c., and to eject all images which might have been adjudged dangerous or useless; adds several books to those which had been selected, to form the curates' library; and among others, the works of authors accused of Jansenism; and proposes the suppression of some of the very few convents existing in his diocess.

Mancini, Bishop of Fiesole, and one of the most violent of the opposition party, follows next. Before giving his answers, he puts forth several general principles, in which he declares all reform dangerous and unlawful. "It would be highly culpable," says he, "to attempt to re-establish the ancient discipline of the Church, by virtue of which the diocesses had no distinct boundary, the priests were not obliged to lead a life of celibacy, and lived from day to day on the offerings of their flocks, and the communion was administered in both kinds."

He is also of opinion, that it would be excessively ridiculous to deny the right of the Pope to the universal superintendence and control of the Church, since the Protestants themselves had confessed that he was the true basis of the stability of the Catholic religion. "The sole aim of those writers who attack the supremacy of the Pope," says he, "is to sever every political and religious tie, and to destroy, in the first place, the authority of the Popes by the agency of crowned heads, and in the next, to overturn the thrones of sovereigns themselves, by means of the united power of the people."

Mancini reduces almost to nothing the authority of the diocesan synod, deprives the curates of all right to vote, rejects the proposal for correcting the breviaries, and the use of the vulgar tongue in the liturgy; will not hear of the bishops reclaiming any of their rights which might have devolved to the see of Rome; defends all religious festivals, the pomp of the churches, and the splendor of the images; rejects from the list of books which had been proposed, all those which were suspected of a leaning to Jansenism, and substitutes for them others, which he reckons better; and testifies great dread of intermeddling with the privileges and exemptions of the monks, &c.

Ricci approves of every thing which had been proposed; quotes the synod of Jansenists at Utrecht in 1763, as a model for the Tuscan bishops in their diocesan synods, to which their curates ought to be admitted as judges; and advises the adoption of the greatest caution "against the intrigues of the Court of Rome, which will make use of the monks, or the Nuncio, to overturn the plans of those

synods." He hopes that the bishops will not so far forget either their duties or their rights, as to request authority from the Papal Court for granting dispensations, or to square their conduct, in condemning books, by the Index of prohibited books published at Rome—an Index whose authority is not recognised in Tuscany. He requests the immediate assistance of Government in extirpating all abuses and superstitious practices, proposes several books, the greater part of them prohibited, to be given to the curates, &c.

The answers of Franseschi, Archbishop of Pisa, are the most fanatical and intracable of the whole body. He carefully keeps out of view, or openly condemns, all measures tending to diminish in any way the rights or pretensions, the privileges and prerogatives of the Court of Rome, and its usurpations of the rights of the bishops; the encroachments of the latter on those of the curates; the blind respect of the people towards religious prejudices; the power and wealth of the clergy; the superstition of their flocks, &c.

Borghesi, Archbishop of Siena, also shows himself a zealous opponent. Among other things, he utters exclamations of regret at the boldness which could have prompted any one to insert in the list of books for the curates, the writings of Quesnel, and pronounces a pompous eulogy on the Bull *Unigenitus*, which had condemned him.

Pannilini, Bishop of Chiusi and Pienza, joins frankly in the principles professed by the Government. He dissuades the Grand Duke from assembling his bishops, with whose opposition to his maxims, and attachment to prejudices of every description, he professes to be well acquainted; and gives as his opinion, that they ought not to be permitted to hold diocesan synods, except with the assistance of two deputies from the Government, and on condition that they should adopt for their model, a synod which had already been approved, such, for example, as that of Pistoia. He distingueshes clearly, in the affair of marriage, the nuptial contract from the nuptial benediction. "In the quality of a civil contract it always remained under the control of the princes, and of the laws of the different countries; and was only withdrawn from that control since the time when the Church added the nuptial benediction to the civil formalities required by Government."

The Bishop of Chiusi, in deciding on the different points, always embraces the views of the Grand Duke, and sometimes even goes beyond them.

The answers of Franci, Bishop of Grossetto, and one of the most unreasonable of the opposition party, are scarcely any thing else than an apology for all the abuses, all the superstitious practices, and all the usurpations of the Court of Rome, and of the bishops. That prelate pretends that the suppression of the society for liberating souls from purgatory, and of the practice of begging for their support, had given rise to doubts in the minds of the people as to the very existence of purgatory itself.

(TO BE CONTINUED.)

Speech Delivered by Thos. E. Watson, at Mass Meeting at Thomson, Ga., June 23, 1917

FELLOW-CITIZENS:

As perhaps most of you know, I have had less to do in the calling together of this assemblage, than with any other meeting here in Thomson, that I ever addressed.

Neither in The Jeffersonian, nor in any other paper, within my knowledge, has my name been mentioned—and no one has been authorized to state that I would appear here, as one of the speakers.

The extent of my personal connection with it, was the assurance given by me to a committee of my Dearing friends, that, if the people saw fit to hold such a meeting, I, as a citizen, a taxpayer, and a lover of my country, would be present, and give my views on the subject which so profoundly agitates the public mind.

In the years gone by, we have held many a mass-meeting in this Court-Room.

Nearly thirty years ago, we started, in this room, the great fight on the Jute Bagging Trust—a fight which spread from this county, to other counties throughout the State—and from this State, to other States, until all Dixieland was in revolt against an oppressive combination, which was remorselessly victimizing the cotton-growers of the South; and as you well remember, the movement which we started, here in this Court House, finally brought that insolent Trust to its knees.

That was nearly thirty years ago: many of those who are here today, were not here then; and many of those who were here then, are not here today, nor will they ever meet with us again, in this world.

Many of you, like myself, have lived out the greater part of your lives—there are more years behind you, than there are before you.

Personally, I have perhaps less interest in the recent acts of the government, than almost any citizen, for I am too old for military service, have no son who comes within the act of conscription, and my only grandchildren are little girls. Therefore, long before the most of the consequences which I fear, from this new Congressional legislation, can come upon the country, my dust will have mingled with that of my ancesors, who, like yours, fought and suffered, and bled to establish those liberties that are now endangered.

All over this country roundabout—on hill and plain, and valley, those heroic forefathers of ours marched—hungry, tattered, barefooted—leaving bloody footprints to tell which way they marched, on their route to the battlefields where they won the glorious right of independent self-government.

Are we a lot of degenerates?

Have we lost the spirit of robust manhood?

Are we such cowards that we dare not re-assert our historic rights, and demand that the government respect them?

All over this country you hear people say they are afraid to speak out against what Congress has done.

They are afraid to sign a petition for the redress of grievances.

In some cases, those who have signed, become frightened, and they send word to have their names taken off.

They are afraid they will be arrested: they're afraid they'll be put in jail.

They are intimidated by the word "*Treason.*"

On the streets, in the newspaper offices, and on the highways, there's a

new crop of lawyers, suddenly born into the world, who are experts in constitutional law.

They went to sleep last night with their heads pillowed on the Code, and they woke up this morning with their brains saturated with the principles of jurisprudence!

These spring-branch lawyers, swarming throughout the land, tell you, that if you criticise Congress, it's "TREASON!"

If you abuse the President, it's "Treason!"

If you condemn the recent course of the government—it's "Treason!"

Before I go any further, let me tell you, once for all, that the Constitution of the United States said the last word on treason, and this supreme law of the Republic, exclusively defines what treason is, and ever shall be, so long as that Supreme Law remains unamended by three-fourths of the States.

Our forefathers did not intend that the barbaric treason laws of England should ever become the excuse for judicial murder, in this free Republic.

They did not intend that any man should be put to death for anything he said, or anything he wrote.

They meant to bury, forever, the constructive treason of the British statutes, and therefore they not only defined treason in the Constitution, but they used the word "ONLY," which in that connection, weighs a ton.

Congress has no authority to abolish that word "only."

Congress has no authority to modify that definition of treason.

No act of the President, no act of the two Houses, no decision of the Supreme Court, no legislative action of any State, can enlarge or diminish, the constitutional definition of treason.

Let me read it to you:

"Treason against the United States shall consist ONLY in levying war against them, or adhering to their enemies [in time of war], giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or confession in open court."

Have you been waging war by open acts of hostility against the government?

Have you taken your Winchester rifle and fired upon the State of Georgia?

Have you gathered up your six-shooter or shotgun, and gone on the war-path against the State of Tennessee?

If so, you are guilty of treason.

Have you, since the second day of April, 1917, openly aided and abetted the German Kaiser, by giving him a battleship or a submarine, or a cargo of ammunition?

If so, you are guilty of treason!

The next time one of these wet-weather branch limbs of the law, threatens you with arrest and imprisonment for treason, you shake your finger in his face and tell him you know what your legal rights are, and that you defy any man, official or otherwise, to harm a hair of your head, until a grand jury of your county has indicted you, and a petit jury has returned a verdict of "guilty."

In every city and town the corporation has its local ordinances, and in every one of these there is an India-rubber provision against disorderly conduct. Under the administration of an arbitrary mayor, council or police court, it is possible for almost any unusual conduct to be punished as "disorderly."

But—no citizen of this Republic can be tried, for any alleged crime against the State, or the Federal government, unless the grand jury indicts, and the petit jury convicts.

Whenever you are threatened with a prosecution for treason or sedition, or any other of these offenses that are being hinted about, answer back: "I demand indictment by the grand jury, and am ready to give bond for my appearance to stand trial, if indicted."

That demand stops everything until the grand inquest, composed of your fellow-citizens, in your own county or Federal district, have formulated legal charges against you.

Of course, if you couldn't give the bond, you would have to lie in jail, awaiting the action of the grand jury.

Is it such a very terrible thing to lie in jail?

Does the thought of such a thing turn your backbone into water?

Does your manly courage ooze out, at the very thought of having to go to jail?

Better men than you and I have gone to jail, and lain there year in and year out, rather than budge an inch, before the aggressions of tyranny, or surrender one iota of conscientious convictions and rights.

John Bunyan was flung into jail, and he lay there seven years, when he could have walked out any day, a free man, if he had bent the knee to legalized oppression.

Roger Williams braved the terrors of the wilderness, and made himself a rude home among the savages, rather than abate one jot or tittle of conscientious conviction.

John Wesley was hounded, and persecuted, and ostracised in his heroic battle for what he believed to be right.

Jefferson Davis was arrested, put in prison, and shackled like a common criminal.

Alexander H. Stephens was arrested and put in prison.

Daniel O'Connell, the Irish orator, statesman and liberator, was flung into prison.

The immortal heroes of the long, hard struggle for the establishment of those very liberties which your government is lessening by arbitrary Acts of Congress, were flung into dungeons, and were led forth from those dungeons, to the fatal block, where the executioner of a tyrannical law struck off their heads with the axe.

Algernon Sidney and William Russell are names whose lustre time will never dim—and when we, who inherited the liberties for which they died, shall have ceased to prize them sufficiently to run some risk in maintaining them, our great Anglo-Saxon race will have become basely degenerate, and we will have proved ourselves unworthy of our birthright.

Let us consider for a moment, the situation in which we find ourselves. Never before were our people so widely and deeply agitated.

Never before were a people confronted with such a complexity of troubles, so unexpectedly.

Just a year ago your Representative in Congress was facing you, as I am doing now, and begging for your votes.

Not one whisper came from him, to put you on notice, that when you voted for him in November, he would virtually forfeit the liberty and the life of your boy, before another twelvemonth would roll around.

Let us be fair to everybody, and let us assume that the candidate himself did not dream, that when he received the benefit of your support, last November, he would break your heart, with his vote, in Congress, the next spring.

Just a year ago, candidates for the United States Senate were abroad in the land, asking for an endorsement of their stewardship, and a renewal of their commission.

Not the slightest hint fell from any of these candidates, to put you on notice, that if you returned them to the highest law-making body on this earth, they would, in less than six months, so violate your highest law, and trample upon your guaranteed constitutional rights, as to darken your home forevermore, and bring down the head of your wife, under the crushing load of maternal grief.

Let us be fair to those Senators, and take it for granted that they themselves, at that time, had no idea of the enormity that they would commit, by voting for conscription so soon after re-election.

This time last year the President of the United States was facing great assemblages of the people throughout the country, and was fervently pleading for peace against such fire-eaters and war-champions as Theodore Roosevelt, Henry Cabot Lodge, and Charles E. Hughes.

Those fervent appeals of the President called forth the passionate approval of the vast majority, and the wives and mothers and sisters especially, took

up the slogan, and made the Republic ring with it: "He kept us out of war!"

That was November, 1916 — where then was the Lusitania?

It lay at the bottom of the deep blue sea, where it had lain since May 5, 1915.

Where were the hundred and nineteen American travellers, Elbert Hubbard and his wife, young Vanderbilt, and the other husbands and wives, that went down with the ship? And the little children, clinging in terror to the skirts of their mothers' dresses?

Their bones were bleaching on the lonely seashore of the Irish coast, where the unfeeling waves had washed them, nearly two years before!

What about the dynamite outrages? They were all in the past, dating long before the November election.

The principal criminals who had perpetrated those dastardly crimes against our munition plants and our workmen, had been permitted to go back to Germany, to receive the rewards of the Kaiser; and they had returned, with garments that reeked with innocent American blood, on safe conducts granted by the British government reluctantly, out of respect for the personal and official request of President Woodrow Wilson.

Where were the Belgian atrocities? and the barbarisms inflicted by Germany upon Northern France?

They all lay in the past, the very worst of them having been committed in August and September, 1914.

But let us be fair to President Wilson also, and let us assume that when he accepted another term in the highest office on earth, he did not then realize that in one short month, after he renewed his official oath, he would be plunging his country into the bloodiest abyss that ever opened to swallow the human race, and that every cause of war that he now assigns as a justification for his complete reversal of position, antedates the day he was re-elected, because he "kept us out of war."

Never before were general conditions so appalling.

The human race has never been free from inequalities and injustice.

From the very dawn of time, some have been prosperous and some unfortunate; some rich, and some poor—but never, in all the lapse of the ages, have there been such stupendous inequalities and injustices as now exist between classes and masses in this Republic.

Never before were such prodigious burdens of taxation laid upon the people, to be paid, not mainly by the rich, but mainly by the poor.

Bonded debts, to run for thirty years, in sums so immense they stagger the human mind: one bill, for military expenditures, reaching the almost incredible sum of three thousand millions of dollars, and the President, in addition to that, insisting on another appropriation of six hundred and twenty-five millions of dollars, for airships.

In Washington City it is a carnival, a wild extravagance: an orgy of prodigal waste: a Bacchanalian revel of men who act as though they were drunk on power and had lost every sense of shame, duty, and responsibility.

The expenses of the war have been so adjusted by the Senate Finance Committee, that they fall chiefly upon the masses.

The huge appropriations made will accrue to the benefit of the classes.

Great is the gathering of the vultures at the National Capital, for never before has there been such a carcass inviting them to the feast.

Three thousand millions of dollars in one appropriation! and the vultures fiercely shrieking for more.

The necessaries of life put further and further away from the reach of the common people, by the lawless and insatiable combinations of Capital.

The food gambler committing crimes here in free America, almost equal to those inflicted by enraged victors upon conquered territories in Europe.

The necessaries of life, incredible to tell, higher in New York, Chicago, Boston, Atlanta, St. Louis and Baltimore, than they are in London and Paris and Brussels.

It is absurd to say we are menaced by German danger.

Germany cannot send troops here in submarines.

Germany has no fleet on sea: England has: we have. In what way does she endanger us?

The Law of Nations and our own common sense tells us that what England and France do to each other is a matter for them to look out for.

It is not a cause for us to send a million of our boys, to sacrifice their lives, so far from home.

Ten millions of our young men suddenly made the helpless subjects of a new duty to the government, never heard of in any discussion before the people, and never heard of before in the history of the human race outside of Prussianized Europe.

Ten million free American citizens suddenly and peremptorily ordered to quit their vocations and to attend a newly-constituted tribune, to be registered like a lot of dumb cattle. To be chatechised by an inquisitorial process recently invented.

To be compelled, virtually to strip their persons naked to the eye of the Federal inquisitor, and threatened with a sentence of a year in jail, if they hesitate to perform this new, unheard of duty, and to submit their persons to that naturally repugnant inquisitorial examination.

Is it any wonder that the country is in a state of consternation?

Is it any wonder that young men are terrified, and that fathers and mothers are distracted, half-crazed by natural fears, anxieties and grief?

The jails are being filled, officers are scouring the country, searching for those who did not promptly respond to the new law.

Editors are menaced with Federal prosecutions for daring to speak their minds; the new doctrine is being held that the Constitution is suspended during the time of war, when everybody ought to know that the Constitution is not suspended, and cannot be, and that martial law does not extend beyond the actual soldiers and the actual army, unless martial law be proclaimed in the different localities, in accordance with the statutes, providing for just such contingencies.

In the whole history of the world, no government ever demanded such powers as this administration insists upon.

England was in the war with four million volunteers, and for three years, before conscription was adopted by the British Parliametn, as the last resort to cope with Roman Catholic treason in Ireland and Canada.

No food dictator was thought of in Germany, until the second year of the war.

Australia gave her people a vote on conscription, and the Canadian government is even now refusing to resort to it, unless the people approve it, at the polls.

But in this country, before we are actually in any war; when nothing but the remotest dangers can be conjured up; when no enemy is marching against us; when our fleet and the English fleet are in such absolute control of the oceans, that not a single German vessel, capable of bearing troops, dares to show itself out of its own harbor—we are saddled with conscription; we are threatened with a food dictatorship; we are menaced with a national price-fixer, and we are not yet secure from the President's strenuous efforts to compel Congress to give him the right to gag the newspapers.

Think of it!

Who could have dreamed it, last November?

When I recall how President Wilson has clamorously contended for the right to enslave the press, in utter violation of one of the plainest provisions of our supreme law, it seems to me I can hear, as well as see, in the mind's eye, the brilliant and fearless Irish orator, Richard Brinsley Sheridan, when he stood forward in the British Parliament to denounce the royal ministers who, during the regency of the Prince of Wales, were attempting to shackle the press.

With eyes that blazed with indignant fires, and in tones that rang like the clarion's call, he thrilled that au-

gust assembly as few orators have ever done.

Cried he: "Give THEM a corrupt House of Lords; give THEM a venal House of Commons; give THEM a tyrannical Prince; give THEM a truckling court; and give to ME but an unfettered press, I will defy them to encroach one inch upon the liberties of England!"

Great God! How hard it is to realize that in one crisis of the long fight President Wilson waged against the freedom of the press, a difference of less than half a dozen votes would have effected that high-handed outrage upon the Constitution of the United States, and destroyed one of the most precious heirlooms of American liberty.

Upon the pretext of waging war against Prussianism in Europe, the purpose of Prussianizing this country has been avowed in Congress, with brutal frankness, by a spokesman of the Administration.

On the pretext of sending armies to Europe, to crush militarism there, we first enthrone it here.

On the pretext of carrying to all the nations of the world the liberties won by the heroic life-blood of our forefathers, we first deprive our own people of liberties they inherited as a birthright.

On the pretext of unchaining the enslaved peoples of other lands, we first chain our own people with preposterous and unprecedented measures, knowing full well that usurpations of power, once submitted to, will never hereafter be voluntarily restored to the people.

Let us examine these new acts of Congress, and endeavor to ascertain whether they violate the Constitution of the United States and the time-honored principles of Anglo-Saxon liberty: if they do, we should be able to demonstrate that fact, and if we can succeed with such a demonstration, our representatives in Congress should be willing to repeal the offending statutes.

First of all, I beg to remind you that the Revolutionary War began with the contention on the part of our forefathers, that they inherited the liberties of the Mother Country.

Let us read once more the first of the Resolutions which Patrick Henry offered in the Virginia House of Burgesses, in May, 1765.
It reads as follows:

"RESOLVED, that the first adventurers and settlers of this, His Majesty's Colony and Dominion, brought with them and transmitted to their posterity . . . all the privileges, franchises, and immunities that have, at any time, been held, enjoyed and possessed by the people of Great Britain."

Of course, the immediate result of Mr. Henry's assertion was to make good the position against the Stamp Act—to wit: that it was the right of an Englishman not to be taxed, without representation. But the Resolution itself states the broad truth, which was afterward embodied in many a superb decision of our highest courts, namely, that our forefathers brought with them from England, the native, original liberties of Englishmen, and those liberties cannot be taken from him or his descendants, without their consent.

Among the papers of Patrick Henry, found after his death, was one in which he stated that he wrote his Resolutions on the blank leaf of an old law book, without consulting with any one, and without the aid of any one.

He said in that solemn paper, which he evidently meant as a dying statement, that his Resolutions provoked violent debates, and that many threats were uttered against him, and that much abuse was cast upon him by those who favored submission to the British Parliament.

His Resolution passed by a very small majority—perhaps of one or two only, but he had taken the legal position which was as impregnable as the Rock of Gibraltar, and the contagion of Virginia's example spread to other States, bringing on the Revolutionary War, the Independence of the new Colonies, and thus our Constitution of 1787, which was meant to perpetuate those free English principles, on which

Patrick Henry spoke with such torrents of sublime eloquence.

(See Tyler's Patrick Henry, p. 62. Also pp. 75 and 76.)

As every lawyer who has really studied the principles of English law is well aware, the Great Charter of the year 1215, was nothing more than a reaffirmance by the Barons, and a reacknowledgement by the Norman King, of the ancient and original liberties of our race.

The germs of those principles, as of all our free institutions, existed in Germany, before the great Teutonic tribes separated—some going to France, some to Britain, some to lands beyond the seas.

The peculiar, original and native rights of Englishmen were preserved and handed down in what was called the unwritten law, the common law of England. Two of those principles are as clear as the unclouded sun, and as old as organized European society.

One is, that no citizen can be sent out of the country unless he consents to it.

Another is, that no citizen can be deprived of his property, of his liberty, of his life, without due process of law.

Will any member of the legal profession challenge this statement?

From the shysters and the petty place-men of the hour, arrogant in the joy of a little brief authority, I appeal to that nobler type of lawyer, who has never failed to make himself at every crisis, the champion of the people, the unquailing, unpurchasable, unterrified advocate of those grand old principles of English law and liberty—to this type of lawyer throughout the Union I confidently appeal: the type of lawyer which put the name of Samuel Romilly and Edward Coke, and Henry Grattan, John Philpot Curran, Daniel O'Connell, Henry Brougham, Thos. Erskine and Hugo Grotius at the very forefront of human achievement and glory—I make my appeal to that type of lawyer which emblazoned the record of our profession with the names of James Otis, Dabney Carr, Patrick Henry, Luther Martin, Edmund Randolph, George Wythe, and Thos. Jefferson: to the type which in later days gave us such tribunes as Alex. H. Stephens, Benj. H. Hill, and Robert Toombs.

Let us go back to first principles: let us take down from the shelves those standard old law books which we bent over at midnight when we were students of the law, many and many long years ago.

Is it not time that we should be examining the foundations of our system of government?

Is it not time that we were endeavoring to re-mark, re-establish and firmly define the boundary lines of our blood-bought liberties?

Oh, my countrymen! You who are today living in a home that came down to you from your fathers: you who have been in peaceable possession all your life, succeeding a father who himself had lived in peaceable possession—your home is sacred to you, by the memories of your whole existence: by dear associations, and by the graves of your ancestors who went to their long sleep, believing that the sacred old spot would never be desecrated by the feet of the violent, lawless trespasser.

Suppose you should suddenly awake to the fact that the trespasser has come upon your inherited and sanctified premises, and was threatening to put you out by force of arms—how much time would you lose in getting ready for self-protection?

How much time would you lose in hunting up your old title deeds, and making yourself doubly sure of your rights and your land-lines?

Nationally speaking, the trespasser is on your reservation.

The lawless intruder threatens to drive you out.

Let us lose no time in making the voice of the people heard. Let us hasten, without the loss of a day, to examine our muniments of title.

I cannot believe that popular sovereignty is dead.

I will not believe that courage is extinct in the people.

Until invincible facts convince me otherwise, I will believe that you will

show yourself women enough to stand for your rights, and to preserve those liberties which your forefathers were brave enough to win.

Is the English common law a part of the law of the United States?

Turn to that masterly and accepted standard, Cooley's Constitutional Limitations. In Chapter III., the learned author first mentions the Constitution of the United States, and the Constitutions of the verious States, and then adds "But, besides this fundamental law, every State has also a body of laws, prescribing the rights, duties and obligations of persons within its jurisdiction, etc."

"By far the larger and more valuable portion of that body of laws consisted of the Common Law of England, which had been transplanted in the American wilderness, etc."

Judge Cooley then proceeds to describe the Common Law of England, and he says: "It was the peculiar excellence of the Common Law of England that it recognized the worth and sought especially to protect the rights and privileges of the individual man. Its maxim did not recognize arbitrary power and uncontrolled authority. The humblest subject might shut the door of his cottage, against the king, and defend from intrusion that privacy which was as sacred as the royal prerogatives.

The system was the opposite of servile; its features implied boldness and independence, self-reliance on the part of the people."

Then Judge Cooley speaks glowingly of how the American Colonists claimed for themselves all the rights conferred upon Englishmen by the Common Law, one of which was that trials for crime must be by a jury of the neighborhood in which the alleged criminal lived. No punishment for crime, until after indictment by the grand jury, and the unanimous verdict of the twelve in the box.

Then Judge Cooley says that by this English Common Law which became, through adoption, the American Common Law, American rights are adjudged, and wrongs redressed, in great part to this day.

Therefore, no lawyer can deny that the great principles of the English Common Law are ours now, just as they have been the heritage of our great unconquerable race ever since it migrated from the forests of Germany.

To the same effect, Chancellor Kent, in his commentaries, states in his twenty-first lecture, that the Common Law is the application of the dictates of natural justice, and of cultivated reason to particular cases.

He quotes the language of Sir Matthew Hale, who says that the Common Law is not the product of the wisdom of some one man, or society of men, or any one age; but of the wisdom, counsel, experience and observation of many ages of wise and observing men.

Chancellor Kent repeats the accepted doctrine, that the English Colonists brought with them to this country those Common Law principles which peculiarly concern themselves with the protection of the individual citizen in his personal liberties and rights.

(Kent's Commentaries, Vol. I., Secs. 469 and following.)

Therefore it is established beyond all question, that those principles of the Common Law which have not been specifically set aside by the various Constitutions, adopted by the people in this Republic, are today a part of the law of the land.

Let me give you an illustration: You and I contracted statutory marriages; we went to the Ordinary, applied for a license, delivered that license to a minister of the Gospel, and invoked his services to perform the ceremony which completed the statutory marriage.

But for thousands of years, it has been the law among our people, that the statutory marriage was not the only one. You could take your loved one by the hand, she consenting, and lead her to the presence of two or three friends, and you could say to her: "I take you for my wife, for better or for worse, in sickness and in health, till death do us part."

And she could say to you: "I take you for my husband, and I will be true

to you as long as life shall last," and these simple declarations, constituting a civil contract between the free man and the free woman, made a perfectly legal marriage.

It is so in Georgia at this very day.

By the decision of the highest court in the great State of New York, it is the law of that imperial commonwealth, at this very hour.

I mention this simply as an illustration of the Common Law, which you will not find in any of the codes—State or Federal.

In like manner, there are other Common Law rights which do not depend upon written codes. One of these Common Law rights which, according to Sir Edward Coke and Sir William Blackstone, constitute a part of our Common Law rights, is that of abiding in our own country, so long as it is our pleasure to remain there.

The most tyrannical king of England never had the lawful power to send a subject out of the realm against the will of that subject.

The veriest plowman that ever wore hodden gray and munched his crust of dry bread, to satisfy his hunger at the end of a day's work, could stand firmly upon the soil of Old England and defy the most tyrannical king who ever arrayed himself in the purple and fine linen of royal office, and could say to that king: "It is my right to abide in my native land."

No Act of Parliament could ever banish the citizen, except as a punishment for crime, after indictment by the grand jury, and the unanimous verdict of the twelve in the box.

The soldier who voluntarily enlisted, became of course a soldier for all purposes, and he could be sent, at the command of his superiors, to the uttermost ends of the earth, but I challenge any lawyer in this Union to controvert the proposition, that no subject of Great Britain was ever forced out of those islands against his will, prior to the year 1917, except as a punishment for crime, or because of his voluntary enlistment, or illegal kidnapping, into the Army and Navy.

I stand flat-footed upon that assertion: I challenge contradiction: I defy the historian, or the lawyer, or the publicist, or the arrogant official, who is now cracking his whip over the intimidated American people.

I defy him to show that any such outrage was ever perpetrated upon the men of Old England as now threatens the young men of this Republic.

(See Blackstone's Commentaries, Book 1, Pars. 137-138, and the decisions cited in the Sharswood Edition of 1877.)

Another one of these original and native rights of the Anglo-Saxon is, that he shall not be deprived of his property, his liberty, or his life, without due process of law.

When that provision was written into Magna Charta, 700 years ago, it was not a new doctrine. It was an old doctrine, reasserted by brave men who had swords in their hands, and meant to die as rebels against a tyrannical king, if he did not consent to the restoration of that ancient birthright of all Englishmen.

Those rebels who, with drawn swords, confronted their usurping king at Runnymede, in the year 1215, were not clamoring for a novelty, innovation, or revolutionary change.

On the contrary, they unfurled their banners, erected the standard of rebellion, and drew their swords against the king, to prevent a revolutionary change of law which threatened to destroy the rights of the individual, and to give the king unlimited power over the property and the persons of Englishmen.

Rather than submit to this, they preferred to fight, and to die.

(See Cooley's Constitutional Limitations, Chap. III, and notes; pars. 311, 314; 209; 430.)

Has the terrible necessity come upon us again to learn, that in every government, the tendency of power is, to encroach?

Human nature is just so constituted that no mortal can be safely trusted with too much authority; he will abuse it; the record of the human

race teaches this with a sadder emphasis, than almost any other lesson.

Patrick Henry said, in the times that tried men's souls: "Eternal vigilance is the price of liberty."

Herbert Spencer said, that in all republics, the existence of free principles depended upon prompt and fearless resistance to the encroachments of those who are in power.

At this very day, when weak citizens throughout the land are committing suicide, because of the horrible measures recently adopted by the Wilson administration, there is an imperative demand upon the stronger men, that they denounce these unlawful encroachments, and combat these unconstitutional acts of Congress, by those peaceable methods, which the wise foresight of our ancestors provided in the Supreme Law, for that very purpose.

By the original, native rights of our great white race, every member of this unconquerable family was safeguarded in his property, in his liberty, in his life—until a jury of his equals, after hearing all the evidence, both ways, decided that they were forfeited.

The property might be the humblest little bit of scraggy land, with a ruined hut upon it, as the great Earl of Chatham said in the British Parliament: it might be a ruinous tenement in which the snow and the rain could beat and enter, but the King of England could not cross that threshold, without the written authority of the law.

The citizen who was thus protected by the primeval principles of Anglo-Saxon law, might be the very humblest, meanest, most insignificant of all human beings, but the law was no respecter of persons: it drew no line between the palace and the hovel: it thought no more of Dives, at the banquet-board, than of Lazarus, grovelling at the gate.

Great God! Must we Americans of this twentieth century bid farewell to those sacred principles of personal liberty, that were as sturdy as the oaks in the German forests, when Jesus Christ a homeless wanderer in Palestine, was preaching his Sermon on the Mount?

Have we lived to see the day when the revered name of Democracy will be prostituted to the most terrible wrongs that were ever perpetrated against a free people, whose inherited, priceless, blood-bought jewels of personal rights were fondly believed to be treasured forever in the casket of constitutional law?

Let us consider for a moment the meaning of the words: "no man shall be deprived of life, liberty or property, without due process of law": does that mean by act of the Legislature, or by act of Congress? If so, it was a waste of time to write them into that permament declaration called the Constitution, which Congress was forbidden to change, unless three-fourths of the States, by legislative action, demanded that change.

If there is any principle, which no competent lawyer will dispute, it is that the Constitution of the United States which the President swears to support, must be supported as written, until amended in the manner which the Constitution itself prescribes.

President Woodrow Wilson, on the 4th of March, 1917, called God and the people to witness that he renewed his oath of fidelity to this Constitution.

In that Constitution it is written in the plainest possible language, that no citizen of this Republic shall be robbed of his liberty, coerced in his conduct, made to serve against his will, except by due process of law.

Again I appeal to all lawyers to speak out, and tell the people the meaning of those words.

Time and again the highest authorities, the standard writers, the highest courts have held, that an Act of Congress is not due process of law.

A statute passed by the Legislature, is not due process of law.

No man can be deprived of his life, by the Act of the Legislature.

No man can be robbed of his property, by Act of Congress.

The law of Eminent Domain subjects your property to the service of your

country, but the causes and the methods are jealously guarded.

Judge Cooley in Chap. XI. of his standard work, enters at large upon the discussion of what is meant by the phrases "due process of law," and "the law of the land."

There never was a time in the history of our Republic, when that chapter deserved more prayerful consideration.

Sir William Blackstone said that the Great Charter of our liberties would have deserved its name, had it contained no other provision than that "no free man shall be taken, or imprisoned, or disseized, or outlawed, or banished, or any ways destroyed, nor will the king pass upon him, or commit him to prison, unless by the judgment of his peers, or the law of the land."

No free man shall be taken!

Thus spoke the Barons who held their gleaming swords in their hands.

It was seven hundred and two years ago, this summer. They were not proclaiming a new principle. They were resurrecting an old one. They were calling upon it to roll away the stone, and to come forth radiant, with renewed life, from the sepulchre in which a tyrannical monarch had haughtily supposed he had buried it forever.

In this free Republic ten million free men have already been taken, not by due process of law, but by the arbitrary act of a government, drunk on power!

No free man shall be imprisoned!

And yet the jails today are crowded with free Americans whom no grand jury has accused, and no traverse jury convicted.

No free man shall be banished!

And yet, by the living God, the President of the United States publicly declares that we will banish millions of American citizens, and send them to die on foreign fields of blood!

In the name of the Almighty, what spirit of evil has taken possession of the Federal government?

How is it that madness so rules the hour in Washington?

Who can explain the spell of terror which has fallen upon the once fearless and independent people of this Union?

Judge Cooley quotes the definition laid down by Daniel Webster during his argument in the celebrated Dartmouth College case: "by the law of the land, is most clearly intended the general law; a law which hears, before it condemns; which proceeds upon inquiry, and renders judgment only after trial. The meaning is, that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society."

Judge Cooley says, par. 354, that a legislative act is not necessarily the law of the land.

He says that the words, "by the law of the land," as used in the Constitution, do not mean a statute, passed for the purpose of working the wrong. *That construction would render the restriction absolutely nugatory, and turn this part of the Constitution into mere nonsense.*"

The people would be made to say to the two Houses (of Congress, of course), "you shall be vested with the legislative power of the State, but, no one shall be disfranchised, or deprived of any of the rights or privileges of a citizen, unless you pass a statute for that purpose. In other words, you shall not do the wrong, unless you choose to do it!"

Could language be plainer?

Could any standard authority more emphatically deny the right of Congress to confiscate the liberties of the citizen, by the mere passage of a statute to that effect?

Judge Cooley, in his foot-note cites more than a dozen decisions of the highest courts, to the effect that an Act of Congress, or an Act of the Legislature is not the due process of law, and is not the law of the land, which can legally deprive the citizen of his property, his liberty, or his life.

Paragraph 355, of Judge Cooley's book quotes the words of the Supreme Court of the United States in two different decisions, which have never been reversed or questioned.

The first quotation is: "Due process of law undoubtedly means, in the due

course of legal proceedings, according to those rules and forms which have been established for the protection of private rights."

The second quotation is as to the words from Magna Charta, " * * * * * the good sense of mankind has at length settled down to this,—that they were intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice."

(Some of the decisions cited are as follows: MacMillan v. Anderson, 95 U. S. 37; Pearson v. Yewdal, 95, U. S. 294; Davidson v. New Orleans, 96, U. S. 97.)

Judge Cooley in par. 356 superbly sums up the gist of all these decisions, saying: "Due process of law in each particular case means, such an exertion of the powers of government as the settled maxims of law permit and sanction, and under such safe-guards, for the protection of individual rights, as those maxims prescribe."

Use your native intelligence, and apply these legal principles announced by the highest authorities, and by the highest court in the world, and answer me this question:

How does the Conscription Law, rushed upon the people by Congress, in April, 1917, accord with the time-honored principles of Magna Charta, as embodied in the Bill of Rights of every State, and as crystalized in the Constitution of the United States?

If Congress, under the whip and spur of a President, can abolish the Constitutional guarantees, which were supposed to perpetually sanctify your personal liberty, then it logically and necessarily follows that you hold your property, and your life at the mercy of a partisan majority in oyur National Legislature.

But there is another clause of the constitution which is violated by the conscription law: it is the Thirteenth Amendment to the Constitution of the U. S., adopted in 1865.

Of course the intention of the government was, to protect the negro, but it would be strange indeed, if it did not equally protect the white men.

The plain prohibition of this supreme law is, that neither slavery nor involuntary servitude shall exist in the U. S., except as a punishment for crime, after indictment by grand-jury, and a verdict of guilty, by the petit jury.

As everybody knows, the prepositions "neither" and "nor" are disjunctive, they separate, instead of uniting, the subjects referred to: consequently, the use of those words prove that the constitution means to prohibit any form of involuntary servitude, although such servitude might not amount to slavery.

For instance: the Federal Courts have punished white men in various parts of the South, because those white men co-erced negroes into working out the debts which those negroes had contracted.

You can't make a negro plow for you this year, because he came out in your debt, on the transactions of last year.

If you co-erce him in any way to give you his labor, against his will, because of last year's debt, you are guilty of peonage. It is not a system of slavery, because you certainly could not buy and sell negroes under the peonage system.

But if the negro is not willing to work out the debt, and you exercise any sort of duress over him, to compel him to do it, it does amount to involuntary servitude.

Now let me ask this plain question, in the utmost good faith:

Has the Federal Government, since the adoption of the Thirteenth Amendment, in 1865, had any lawful authority to establish a system of slavery, or of involuntary servitude, except as a punishment for crime?

Where is the lawyer who will contend that Congress has the authority to call into the service of the government, a million men to construct post-roads, work upon the harbors, and the dock-yards; labor at the arsenals, or in the National Parks?

Where is the member of Congress who would dare to introduce a bill, compelling all young men to register, in order that the government might

make a selective draft of those who are needed to build forts and ships?

Yet, it must be perfectly clear to every mind, that the government has just as much right to create a system of servile labor, as it has to create a system of unwilling service in the Army.

The language of the Supreme Law is without limit, and without qualification.

"NEITHER slavery, NOR involuntary servitude shall exist in the U. S."

Can any man say that the Conscription Acts do not create a system of involuntary servitude?

Does any man deny that it was railroaded through Congress for that very purpose?

We read in sacred and profane history, of the imperial requirements that the people go up and be numbered, for the purpose of taxation; but never before since written records preserved the doings of tyrants in office, has any great nation, calling itself a free people, and shielded from usurpation by a free Constitution, been required to drop all peaceful pursuits, appear before official autocrats, and register themselves as fit subjects to be sacrificed to a barbaric god of war, in a foreign land.

My Countrymen, I hold here in my hand, the published report of James Madison, of the secret proceedings of the Constitutional Convention of 1787. Almost at the beginning you see here, on page 67, where it was proposed to invest Congress with the unlimited power to raise armies, just as it was invested with the unlimited power to establish postoffices, to coin money, to establish rules of naturalization, to regulate commerce, to borrow money, and emit bills of credit.

I turn to later pages in the book, and find, where long-headed statesmen warned the Convention against the inherent danger of maintaining standing armies in time of peace.

We go from page to page, and we notice how those wise men deliberated upon the best method of safe-guarding our liberties against the well recognized danger of the standing Army.

At length, on page 705, near the close of the sessions of the Convention, we find that our forefathers agreed that the best way to safeguard democratic principles, and republican institutions against the admitted and formidable menace of the standing army, was to limit military appropriations to two years.

It was argued that the Representatives would have to return to the people every two years, to give an account of themselves, when asking a re-election, and that therefore a two year limit on an appropriation to raise armies, would forever secure our people from the admitted menace of the standing army in time of peace.

In Macaulay's History we read that it was a recognized truism, "a fundamental principle of political science, that a standing army and a free Constitution could not exist together."

(See Macaulay's History of England, Chapter XXIII., p. 259.)

In Hallam's Constitutional History, we find him quoting an English statesman who was not a democrat, and who had no grievance against the government, as saying:

"A standing army . . . are a body of men distinct from the body of the people; they are governed by different laws; blind obedience and entire submission to the orders of their commanding officer is their only principle. The nations around us are already enslaved, and they have been enslaved by those very means. By means of standing armies, they have every one lost their liberties. It is indeed impossible that the liberties of the people can be preserved in any country, where a numerous standing army is kept up."

(Constitutional History of England, page 778.)

Not only has this Congress provided for a standing army of half a million men, but the military appropriations made, by the authorization of bonds and direct expenditures from the Treasury, absolutely trample out of existence the two year safe-guard so carefully constructed by the makers of the Constitution of the United States.

So far as the State Militia is concerned, the Supreme Law leaves no

room for doubt; it cannot be legally used by the Federal Government for any other purposes than those named in the Constitution—to repel invasion, to suppress insurrection, and to enforce the laws.

In the Conscription Acts therefore, a revolution is precipitated upon the country, and what is the reason alleged for this overthrow of fundamental principles—the headlong rush into governmental usurpation?

If you will carefully consider the War Message, issued by the President, you will see that this government is plunging into the European cataclysm for three purposes:

First, to avenge the injuries inflicted by Germany upon the United States.

Second, to avenge the injuries inflicted by Germany upon certain European nations.

Third, to avert the menace to our liberties, involved in German industry, German commerce, German conquest of territory, and German militarism.

Very briefly I will say, that the record as presented by the President himself, in his War Message, discloses the amazing fact that Germany has not changed her attitude in the slightest, nor inflicted any additional wrong upon us, since February 26, at which time the President went before Congress and read a carefully prepared address in which he declared that our position should be that of armed neutrality.

This means of course, that we should have got ready to repel any invasion of our soil, and should use our fleet to protect our commerce upon the ocean.

Just a few days before the President renewed his oath of office, he apparently had no thought of sending vast armies to Europe, no thought of interfering and crushing the military system of Germany, no thought of employing huge armaments to check the expansion of German industry, commerce and territorial expansion of the Old World.

As I have already said, what was writ, was writ.

It all preceeded the President's assumption of the attitude of armed neutrality. He was already in possession of the facts. He was in possession of Germany's threat of ruthless enforcement of her blockade.

Everything he knows now, he knew on the 26th day of February, when he took up his position of armed neutrality.

In the name of a just God, what has happened since to justify such a complete and tragic reversal of the President's position?

I cite the highest standard on the Law of Nations, Vattel—the authority used again and again in Congressional debates by Daniel Webster, Henry Clay, John C. Calhoun, Alex. H. Stephens and Robt. Toombs.

Go and read what Vattel says about the legal causes of war, and see for yourself how slight ours are.

What is the cause of this war?

It resolves itself into this question: What is legal notice of a blockade?

England has blockaded Germany: Germany has blockaded England. The blockade runners want to get to these two nations, for the big money there is in it. (Vattel 335.)

If we have loaned money to England and France to help make war, we have not been neutral. We are still doing it—the Liberty Bonds prove it. J. P. Morgan cleaned up ninety million dollars as part of his share.

Vattel lays down as authority that, if we supply one warring nation with what it needs, we are not neutral.

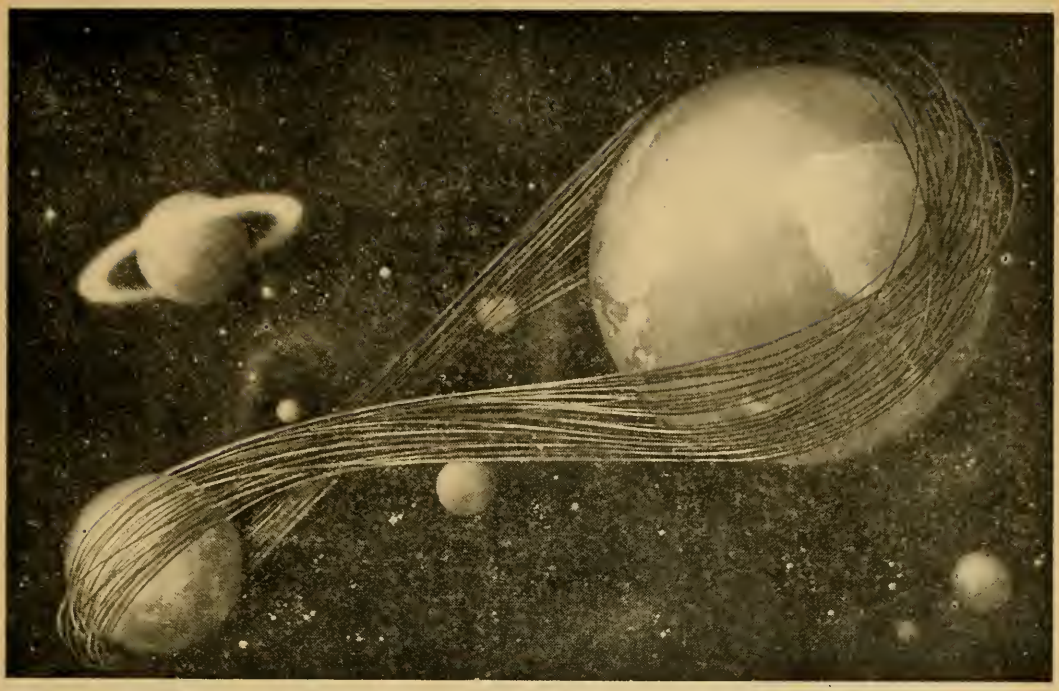
I have contended all along that we have no moral right to sell to England, France and Russia: a nation holding the high moral attitude we do, should not give a man a new pistol, when the old one is worn out.

Germany didn't need guns nor food—England needed them both.

The men who supplied both got rich, and they want to get richer.

The powder trust, steel trust, automobile trust, beef trust, flour trust, shoe trust, cloth trust, want to heap up mountains of gold on the blood of our sons.

What is legal notice of a blockade? I contend that suspected vessels



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should be detained until they can be searched.

When that law was framed, the submarines were not invented.

Germany contends (and this is not sound law until the Law of Nations has been changed) that the nature of the submarine makes it impossible to give a warning without destroying the usefulness of the submarine.

Germany gave due notice that on and after February 1st, all vessels entering the blockaded zone would do so at their own risk.

Germany says a published notice is all that is necessary.

Congressman Mason of Illinois, started to fight for an amendment to the conscription law, on June 17, in the House of Representatives, to keep your sons at home.

Meetings of protest are being held from Maine to California.

Why were not the volunteers permitted to go, under Roosevelt?

Let any man go to fight, who wants to go.

The injuries to ourselves, of which complaint is now made, have been condoned by repeated and official assurances of continued friendship, and by proposals to mediate a peace without victory for any combatant, or humiliation for any.

The President said himself, that peace could not be permanent if any of the belligerents were vanquished and left with rankling memories.

And he also said in his speech of May 13, 1917, that we are not in the war because of any particular grievance of our own.

From the Woodrow Wilson of April 2nd, I appeal to the Woodrow Wilson of December and January, and say without fear of contradiction from any source, that if the Woodrow Wilson of January, 1917, was anywhere in the neighborhood of right, the Woodrow Wilson of April the 2nd, 1917, was nowhere in the vicinity of right.

According to Vattel's Law of Nations, and according to principles laid down by Chancellor Kent in his Commentaries, no Nation has any right whatever to interfere by force of arms, with the governmental system of another.

Neither has any Nation the right to avenge the wrongs inflicted by some other Nation upon one of its neighbors; nor has any Nation the right to make war upon a neighboring Nation, because of its growth in power, unless that growth is an immediate, urgent and unavoidable menace to the safety of the smaller nation.

(See Vattel Law of Nations, pages 302, 305, 306, 335.)

NOTE: *The foregoing is the gist of the address, although its length—two hours—was too great for us to give it in full in this Magazine.*

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